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LISTS

OF

BRITISH ENACTMENTS IN FORCE IN NATIVE STATES;

COMPILED BY

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OF THE INNER TEMPLE, BARRISTER-AT-LAW, AND DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

SOUTHERN INDIA.

(HYDERABAD.)

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PREFACE.

THIS, the Southern India (Hyderabad) Volume of the Lists of British Enactments in force in Native States, contains all the information I have been able to collect concerning the British Enactments in force in the State of Hyderabad.

2. The term "British Enactments," as used in this Volume, covers not merely the enactments made by Parliament or the Legislative Council of the Governor General (including subsidiary Rules and Notifications issued by executive authorities thereunder) in exercise of the general extra-territorial jurisdiction possessed by the British Legislature over certain classes of persons (chiefly British subjects) in all Native States in India, but also the enactments made by the Governor General in Council, in exercise of the special jurisdiction acquired by him over all persons in the Assigned Districts, the British Cantonments, the Residency Bazaars and the Railways in the Hyderabad State.

3. In order to mark the distinction between these two classes of enactments, all British enactments extending to the Native State dealt with in this Volume have, besides being placed in different groups according to their local extent, been arranged under different heads, according as they belong to one or other of the classes above referred to. Enactments which expressly purport to be solely made by, or under the authority of, the British Legislature, Imperial or British-Indian, or appear, on the face of them, to have such a limited personal application that they might have been so made, have been arranged under one head and styled "British-Indian Enactments"; whilst enactments which expressly purport to be made, whether in whole or part, under the special jurisdiction acquired by the Governor General in Council in the places above specified, or appear, on the face of them, to have such an extended personal application that they must have been made in part at least, under that special jurisdiction, are placed in separate categories entitled "British-Berar Enactments," "British-Secunderabad Enactments," or otherwise as the case may require. Broadly speaking, the enactments styled "British-Indian Enactments" may be described as personal laws applicable only to certain classes of persons (chiefly British subjects), while the "British-Berar Enactments," the "British-Secunderabad Enactments," and the like may be looked upon as territorial laws applicable to all persons in Berar, Secunderabad, and the other places above indicated respectively.

4. The subordinate classification under each of these heads is identical, the enactments being arranged, as far as possible, in separate lists, as they are of the

nature of principal enactments, that is, enactments made in direct and immediate exercise of one or other of the two kinds of jurisdiction explained above, and subsidiary enactments, that is, enactments made in exercise of powers conferred on executive authorities in this behalf by principal enactments as above described. In the case of the British-Berar, the British-Secunderabad, and other similar enactments, the principal enactments are further sub-divided into two groups, as they are (*a*) Enactments of the British-Indian Legislatures locally extended, or (*b*) Special Local Laws. The latter are, as the title indicates, new laws specially made by the Governor General in Council for these places. The former are, on the contrary, British-Indian Laws simply adopted as laws for these places. When a British-Indian enactment is so adopted for a place in a Native State in which the Governor General in Council has acquired special jurisdiction, it is said to be "extended" there; but this is, strictly speaking, an incorrect expression, as the local extent of the British-Indian enactment is in no way enlarged. In every such case a new enactment is made for the place on the same lines as the corresponding British-Indian one.

5. In addition to the enactments above described, there are the enactments which the Nizam of Hyderabad has made for the territory administered by him. No information in regard to these is available, and they are moreover beyond the proper scope of this work.

6. In order to make this volume a complete handbook to all the British enactments in force in the Native State of Hyderabad, the British enactments extending *generally* to all Native States in India have been included (see Part I), as well as the enactments extending *locally* to this particular Native State.

7. These Lists are intended to be supplementary to Aitchison's Treaties. Accordingly references have been inserted in different places in Part II of this compilation to portions of those Treaties which relate to the Hyderabad State.

8. In compiling the volume—

(*a*) Notifications and Rules of a temporary nature and Notifications conferring powers on officials and others by name have, as a rule, been omitted; and

(*b*) principal enactments, save the provisions of Acts of the Indian Legislature, which are to be found in the Indian Statute-book, have, as a rule, been set out *in extenso*.

9. Lastly, it should be clearly understood that this volume is not authoritative, and that the Government of India is in no way responsible for its contents. It has been compiled by me, with the assistance of Mr. G. R. Ridge of the Legislative Department office (to whom my thanks are due) from the official Gazettes supplemented by information obtained, through the Foreign Department, from the Resident at Hyderabad. I have made it as complete and accurate as was possible with the materials at my disposal and in the limited time which my official duties have permitted me to devote to the work, but I do not venture to suppose that it requires neither addition nor amendment, or that it is entirely free from errors. At the same time it is hoped that

the volume will be found to be a sufficiently correct and comprehensive statement of British-made law in force in the Native State of Hyderabad, to make it of some practical use to Political Officers and others desirous of obtaining information on the subject.

CALCUTTA;
The 1st January, 1889.

J. M. MACPHERSON.

Note.—Any corrections or suggestions for the improvement of these Lists will be gratefully received by the compiler at the address of the office of the Legislative Department of the Government of India.

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CLASSIFICATION STATEMENT.

STATEMENT I.

BRITISH ENACTMENTS IN FORCE IN NATIVE STATES IN INDIA.

THE British Enactments in force in Native States in India may be classified as follows:—

(1) as they extend—
  (*a*) generally to all Native States in India, or
  (*b*) locally to particular Native States or particular places in Native States; and

(2) as they are made—
  (*a*) by, or under the authority of, Parliament or the Legislative Council of the Governor General in exercise of the general extra-territorial jurisdiction possessed by the British Legislature over certain classes of persons, chiefly British subjects in all Native States (herein styled British-Indian Enactments), or
  (*b*) by, or under the authority of, the British-Indian Government in exercise of the special jurisdiction acquired by it over (generally speaking) all persons in certain Native States or certain places in Native States (herein styled British* Enactments).

I.—BRITISH ENACTMENTS EXTENDING GENERALLY TO ALL NATIVE STATES IN INDIA.

II.—BRITISH ENACTMENTS EXTENDING LOCALLY TO PARTICULAR NATIVE STATES OR PARTICULAR PLACES IN NATIVE STATES.

I.—BRITISH ENACTMENTS EXTENDING GENERALLY TO ALL NATIVE STATES IN INDIA.

A.—British-Indian Enactments—

1.—Statutes.

2.—Acts of the Governor General in Council.

3.—Rules and Notifications made under Acts of the Governor General in Council.

II.—BRITISH ENACTMENTS EXTENDING LOCALLY TO PARTICULAR NATIVE STATES OR PARTICULAR PLACES IN NATIVE STATES.

A.—British-Indian Enactments—

Local Rules and Notifications†—

(a) made under Statutes extending generally to all Native States in India;

(b) made under Acts extending generally to all Native States in India.

B.—British Enactments—*

1.—Local Laws made by, or with the sanction of, the Governor General in Council—

(a) Enactments of the British-Indian Legislatures locally extended—

(i) Acts of the Governor General in Council.

(ii) Acts of the Governor of Fort St. George in Council.

(iii) Acts of the Governor of Bombay in Council.

(iv) Acts of the Lieutenant-Governor of Bengal in Council.

(b) Special Local Laws.

2.—Local Rules and Notifications—

(a) made under Acts of the British-Indian Legislatures locally extended;

(b) made under Special Local Laws.

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* The blank should be filled in, in each case, with the name of the particular Native State or place in a Native State for which the enactments are made, as, *e.g.*, British-Berar Enactments in Statement 2, p. xi.

† In addition to the Rules and Notifications here noted, there is one principal British-Indian Enactment made by the Legislative Council of the Governor General (namely), the Sindh-Pishin Railway Act, XI of 1887), which only extends locally to that part of the Sindh-Pishin section of the North-Western Railway which lies beyond the Province of Sindh.

CLASSIFICATION STATEMENTS—*continued.*

STATEMENT II.

BRITISH ENACTMENTS IN FORCE IN THE NATIVE STATE OF HYDERABAD.

I.—BRITISH ENACTMENTS EXTENDING GENERALLY TO ALL NATIVE STATES IN INDIA.

A.—British-Indian Enactments—

1.—Statutes.

2.—Acts of the Governor General in Council.

3.—Rules and Notifications made under Acts of the Governor General in Council.

II.—BRITISH ENACTMENTS EXTENDING LOCALLY TO THE NATIVE STATE OF HYDERABAD OR PARTICULAR PLACES IN THAT STATE.

1.—THE HYDERABAD STATE, OR THE TERRITORY ADMINISTERED BY HIS HIGHNESS THE NIZAM—

A.—British-Indian Enactments—

Local Rules and Notifications—

(a) made under Statutes extending generally to all Native States in India.

(b) made under Acts extending generally to all Native States in India.

2.—BERAR, OR THE HYDERABAD ASSIGNED DISTRICTS.

A.—British-Indian Enactments—

1.—Local Rules and Notifications.

(a) made under Statutes extending generally to all Native States in India.

(b) made under Acts extending generally to all Native States in India.

B.—British-Berar Enactments—

1.—Local Laws made by, or with the sanction of, the Governor General in Council.

(a) Enactments of the British-Indian Legislatures locally extended.

(i) Acts of the Governor General in Council.

(ii) Acts of the Governor of Bombay in Council.

(b) Special Local Laws.

2.—Local Rules and Notifications—

(a) made under enactments of the British-Indian Legislatures locally extended.

(b) made under Special Local Laws.

3.—THE CANTONMENT OF SIKANDARÁBÁD.

A.—British-Indian Enactments—

1.—Local Rules and Notifications—

(a) made under Statutes extending generally to all Native States in India.

(b) made under Acts extending generally to all Native States in India.

B.—British-Sikandarábád Enactments—

1.—Local Laws made by, or with the sanction of, the Governor General in Council.

(a) Enactments of the British-Indian Legislatures locally extended.

Acts of the Governor General in Council.

(b) Special Local Laws.

2.—Local Rules and Notifications.

(a) made under enactments of the British-Indian Legislatures locally extended.

(b) made under special Local Laws.

CLASSIFICATION STATEMENTS—*continued.*

STATEMENT II.

II.—British Enactments extending locally to :—	II.—BRITISH ENACTMENTS EXTENDING LOCALLY TO THE NATIVE STATE OF HYDERABAD OR PARTICULAR PLACES IN THAT STATE—*contd.*
4.—Other Cantonments; *viz.*, Aurungabad, Bolaram, Hingoli, Jalna, Mominabad and Raichore.	4.—Other Cantonments, *viz.*, Aurungabad, Bolaram, Hingoli, Jalna, Mominabad and Raichore.
	A.—British-Indian Enactments—
	1. Local Rules and Notifications—
	made under Acts extending generally to all Native States in India.
	B.—British Enactments—*
	1.—Local Laws made by, or with the sanction of, the Governor General in Council—
	(a) Enactments of the British-Indian Legislatures locally extended.
	(b) Special Local Laws.
	2.—Local Rules and Notifications—
	made under Special Local Laws.
5.—The Hyderabad Residency Bazaars.	5.—The Hyderabad Residency Bazaars.
	A.—British-Indian Enactments—
	1.—Local Rules and Notifications—
	made under Acts extending generally to all Native States in India.
	B.—British-Hyderabad-Residency-Bazaars Enactments—
	1.—Local Laws made by, or with the sanction of, the Governor General in Council.
	(a) Enactments of the British-Indian Legislatures locally extended.
	(i) Acts of the Governor General in Council.
	(b) Special Local Laws.
	2.—Local Rules and Notifications—
	made under enactments of the British-Indian Legislatures locally extended.
6.—Railways in the State of Hyderabad.	6.—Railways in the Hyderabad State.
	A.—British-Indian Enactments—
	1.—Local Rules and Notifications—
	(a) made under Statutes extending generally to all Native States in India.
	(b) made under Acts extending generally to all Native States in India.
	B.—British-Hyderabad-Railways Enactments—
	1.—Local Laws made by, or with the sanction of, the Governor General in Council.
	(a) Enactments of the British-Indian Legislatures locally extended.
	(i) Acts of the Governor General in Council.
	(b) Special Local Laws.
	2.—Local Rules and Notifications—
	made under enactments of the British-Indian Legislatures locally extended.

* That is, British-Aurangabad, British-Bolaram, British-Hingoli, British-Jalna, British-Mominabad, or British-Raichore Enactments, as the case may be.

PART I.—THE BRITISH ENACTMENTS EXTENDING GENERALLY TO ALL NATIVE STATES IN INDIA.

ALL NATIVE STATES IN INDIA.

The British Enactments extending generally to all Native States in India consist of—

British-Indian Enactments, namely—

1. Statutes.
2. Acts of the Governor General in Council.
3. Rules and Notifications made under Acts of the Governor General in Council.

PART I.—ALL NATIVE STATES IN INDIA.

British-Indian Enactments.

I.—STATUTES.

Year.	Reign.	Chapter.	Subject.	Extent of application.
1833	3 & 4 Will. IV.	85	Government of India .	Section 73 empowers the Governor General in Council to make Articles of War for the government of Native officers and soldiers in the Military Service of Her Majesty, and for the administration of justice by Courts-martial to be holden over such officers and soldiers; such articles to prevail and be in force wheresoever such officers and soldiers may be serving.
1861	24 & 25 Vict.	67	Indian Councils Act .	Section 22 empowers the Governor General in Council to make laws and regulations for all servants of the Government of India within the dominions of Princes and States in alliance with Her Majesty.
1865	28 Vict.	15	High Courts jurisdiction .	Section 3 empowers* the Governor General in Council to authorize and empower High Courts to exercise jurisdiction in respect of Christian subjects of Her Majesty resident within the dominions of such of the Princes and States of India in alliance with Her Majesty as he may from time to time determine.
	28 Vict.	17	Legislative powers of Governor General in Council.	Section 1 empowers the Governor General in Council to make laws and regulations for all British subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty, whether in the service of the Government of India or otherwise.
1869	32 & 33 Vict.	98	Ditto . . .	Section 1 empowers the Governor General in Council to make laws and regulations for Native Indian subjects of Her Majesty without and beyond as well as within the Indian territories under the dominion of Her Majesty.

* For Notifications issued by the Governor General in Council for the Hyderabad State under this Power—see Chapter II of Part II of this volume, p. 19.

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British-Indian Enactments—continued.

1.—STATUTES—*concluded.*

Year.	Reign.	Chapter.	Subject.	Extent of application.
1876	39 & 40 Vict.	46	Slave Trade . . .	Provides* (section 1) for the punishment of offences against slave trade law committed by British subjects and subjects of allied Native States in such places in Asia and Africa as Her Majesty may specify by order;† confers (section 3) certain powers on High Courts in India in regard to obtaining evidence in such allied Native States of the commission of such offences, and extends (section 4) the provisions of the Muscat Order in Council, 1867, to the subjects of allied Native States residing in Muscat territories.
1881	44 & 45 Vict.	58	The Army Act, 1881 .	Purports to apply generally to Her Majesty's Forces wherever serving, and particularly when serving in India, which term is defined to include "any territories in India under the dominion of any Native Prince or Princes." [See sections 180 and 190, clause (21).]
1884	47 & 48 Vict.	38	Indian Marine Service .	Empowers the Governor General in Council to make laws for all persons employed or serving in, or belonging to, Her Majesty's Indian Marine Service, provided that no such law shall apply to any offence unless the vessel to which the offender belongs is at the time of the commission of the offence on the High Seas between the Cape of Good Hope on the west and the Straits of Magellan on the east, or on territorial waters between those limits.

* Only so much of the sections of this Statute as appear to have reference to Native States in India or the subjects of such States are here quoted.

† For Order under the section, see *Gazette of India*, 21st July, 1877, Part I, p. 381.

British-Indian Enactments—continued.

2.—Acts of the Governor General in Council.

The general powers of the Council of the Governor General to legislate for persons beyond the limits of British India rest on the following Statutes, namely, 24 & 25 Vict., c. 67, s. 22; 28 Vict., c. 17, s. 1; and 32 & 33 Vict., c. 98, s. 1. Under them the Council may make Laws and Regulations for—

(*a*) servants of the Government in allied Native States (24 & 25 Vict., c. 67, s. 22);
(*b*) European-British subjects in allied Native States (28 Vict., c. 17, s. 1); and
(*c*) Native Indian subjects anywhere (32 & 33 Vict., c. 98, s. 1).

In addition to these general powers, the Governor General in Council is invested with special power—

(*a*) under the Statute 3 & 4 Will. IV, c. 85, s. 73 (saved by 24 & 25 Vict., c. 67, s. 22), to make Articles of War for Her Majesty's Indian Army wheresoever serving; and

(*b*) under the Statute 47 & 48 Vict., c. 38, to make laws for all persons employed or serving in or belonging to Her Majesty's Indian Marine Service whose vessels are within the limits of "Indian Waters," as defined in the Statute.

Year.	No.	Subject.	Extent of application.
1860	XXVII	Collection of Debts on Succession.	Provides for the grant of certificates of administration by British representatives in Foreign States (see sections 19 and 20).
,,	XLV	Penal Code . . .	Applies generally to persons liable by any law passed by the Governor General in Council to be tried for an offence committed beyond the limits of British India; and to servants of the Queen committing offences within the dominions of Princes or States in alliance with Her Majesty (see sections 3 and 4).
1866	XIV	Post Office . . .	Provides for punishment of post-office servants committing offences within the dominions of Foreign Princes and States in India in alliance with Her Majesty (see section 59).
1868	I	General Clauses . .	Applies to all Acts of the Governor General in Council made after this Act came into operation and therefore to such Acts when they extend to Native States.
1869	*IV	Divorce	Applies generally to British subjects within the dominions of Princes and States in India in alliance with Her Majesty (see section 2).
,,	†V	Indian Articles of War .	Purports to apply generally to officers, soldiers and followers of Her Majesty's Indian Forces in all parts of the world and therefore in Native States in India (see Articles 74, 77, 90, 99, 142, 171, 174).
,,	XX	Volunteers	Applies generally to British subjects within the dominions of Native Princes and States in alliance with Her Majesty (see section 2).
1870	XXVII	Indian Penal Code Amendment.	See entry opposite Act XLV of 1860, *supra*.

* See in connection with the application of this Act to British subjects in Native States, Thomson v. Thomson, I. L. R., 10 Bom., 422.
† For power to make these Articles, see 3 & 4 Will. IV, c. 85, in List 1.

British-Indian Enactments—continued.

2.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL—*continued.*

Year.	No.	Subject.	Extent of application.
1872	XV	Christian Marriage	Applies generally to Christian subjects of Her Majesty within the territories of Native Princes and States in alliance with Her Majesty (see section 1).
„	XIX	Indian Penal Code Amendment (Definition of "Coin").	See entry opposite Act XLV of 1860, *supra*.
1873	X	Oaths	Applies generally to subjects of Her Majesty within the territories of Native Princes and States in alliance with Her Majesty (see section 1).
„	XIV	Military Lunatics' Property.	Applies generally to subjects of Her Majesty within the dominions of Native Princes and States in India in alliance with Her Majesty (see section 1).
1874	II	Administrator General	Applies generally to British subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty (see section 1).
„	III	Married Women's Property.	Applies generally to subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty (see section 2).
„	IX	European Vagrancy	Extends generally to the dominions of Princes and States in India in alliance with Her Majesty (see section 1).*
1875	IX	Majority	Applies generally to subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty (see section 1).
1877	XI	Military Lunatics	Applies generally to subjects of Her Majesty within the dominions of Native Princes and States in India in alliance with Her Majesty (see section 1).
1879	IV	Railways	Applies generally to subjects of Her Majesty the Empress of India within the dominions of Princes and States in India in alliance with Her Majesty (see section 1).
„	XIV	Hackney Carriages	Enables rules to be made for the regulation of hackney-carriages in places in India, but not in British India, in which British troops are cantoned (see section 4).
„	XXI	Foreign Jurisdiction and Extradition.	Extends generally to— (1) all Native Indian subjects of Her Majesty beyond the limits of British India, and (2) all European-British subjects within the dominions of Princes and States in India in alliance with Her Majesty (see section 1).
1881	IX	Amending Administrator General's Act, 1874.	See entry opposite Act II of 1874, *supra*.

* But sections 4 to 16 (inclusive), 19, 20, 24 & 29 do not come into force in any of the dominions of the Princes and States in India in alliance with Her Majesty not situate within the limits of any Presidency, Lieutenant-Governorship or Chief Commissionership in British India until such day or respective days as the Governor General in Council by notification in the *Gazette of India* appoints in this behalf.

British-Indian Enactments—continued.

2.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL—*concluded.*

Year.	No.	Subject.	Extent of application.
1882	VIII	Indian Penal Code Amendment.	See entry opposite Act XLV of 1860, *supra*.
1883	IV	Amending Railway Act, 1879.	See entry opposite Act IV of 1879, *supra*.
1885	XIII	Telegraphs . . .	Applies generally to subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty (see section 1).
1886	II	Income-tax . . .	Applies generally within the dominions of Princes and States in India in alliance with Her Majesty to British subjects in those dominions who are in the service of the Government of India, or of a local authority established in the exercise of the powers of the Governor General in Council in that behalf (see section 1).
„	VI	Births, Deaths and Marriages Registration.	Applies generally to British subjects in the dominions of Princes and States in India in alliance with Her Majesty (see section 2).
„	X	Indian Penal Code Amendment.	See entry opposite Act XLV of 1860, *supra*.
1887	I	General Clauses . .	Applies (Part I) to all Acts made by the Governor General in Council under the Indian Council's Act, 1861, after the passing of this Act and therefore to such Acts when they extend to Native States.
„	X	Native Passenger Ships .	Applies generally— (*a*) to all subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty; (*b*) to all Native Indian subjects of Her Majesty without and beyond British India; and (*c*) subject to certain exceptions, to vessels carrying more than thirty passengers, being Natives of Asia or Africa (see section 2).
„	XIV	*Indian Marine . .	Applies generally to persons employed or serving in or belonging to the Indian Marine whose vessels are within the limits of Indian waters, as defined by 47 & 48 Vict., c. 38.
1888	IV	Reserve Forces . .	Purports to subject persons belonging to Indian Reserve Forces to military law in the same manner, and to the same extent, as persons belonging to Her Majesty's Indian Forces (*i.e.*, when serving in Native States as well as elsewhere—see entries opposite 44 & 45 Vict., c. 58, and Act V of 1869, *supra*).

* For power to enact this Act, see 47 & 48 Vict., c. 38, in List 1.

British-Indian Enactments—concluded.

3.—RULES AND NOTIFICATIONS—

made under Acts of the Governor General in Council.

Year.	No.	Subject of Act.	Section.	Subject of Rules or Notification.	Notification.
1872	XV	Christian Marriage	62 & 84	Fixing fees and making rules so far as regards Native States in alliance with Her Majesty, except States situate within the Presidencies of Fort Saint George and Bombay.	No. 2220, dated 16th October, 1873, see Appendix A, page 10.
1879	XXI	Foreign Jurisdiction and Extradition.	13 & 18	* Rules by the Governor General in Council as to issue of warrants and treatment of prisoners.	No. 31J., dated 12th March, 1875, see Appendix A, page 11.
,,	,,	Ditto . .	,,	* Directing that the Notification No. 31J., dated 12th March, 1875, shall not apply to Native territory under the direct administration of the British Government in which the Code of Criminal Procedure (Act X of 1872†) is in force.	No. 149J., dated 8th October, 1875, see Appendix A, page 12.
,,	,,	Ditto . .	,,	* New rule substituted for No. 5 of the rules published with notification No. 31J., dated 12th March, 1875.	No. 87J., dated 16th August, 1876, see Appendix A, page 16.

* These Notifications, issued under Act XI of 1872, are kept in force by section 2 of Act XXI of 1879. Section 18 of this Act corresponds to section 15 of Act XI of 1872.

† Repealed. See now Act X of 1882.

APPENDIX A.

NOTIFICATIONS AND RULES UNDER THE INDIAN CHRISTIAN MARRIAGE, AND THE FOREIGN JURISDICTION AND EXTRADITION ACTS.

Notification and Rules under sections 84 and 62 of the Indian Christian Marriage Act, XV of 1872.

No. 2220, the 16th October, 1873.—So far as regards Native States in alliance with Her Majesty, except Native States situate within the local limits of the Presidencies of Fort St. George and Bombay,* the Governor General in Council, in exercise of the powers conferred by sections 84 and 62 of the Indian Christian Marriage Act, 1872 (Act XV of 1872), hereby fixes the following scale of fees to be charged under the aforesaid Act, and makes the following rules in regard to the disposal of such fees, the supply of register-books and the preparation and submission of returns of marriages solemnized under the aforesaid Act, and the form of the register-book of marriages certified under Part VI of the same Act :—

I.—Scale of Fees.

	Rs.	A.	P.
1.—For receiving each notice of marriage	1	0	0
2.—For publishing each notice of marriage	2	0	0
3.—For the issuing of each certificate of marriage by a Marriage Registrar	3	0	0
4.—For registering each marriage by a Marriage Registrar . .	2	0	0
5.—For entering each protest against, or prohibition of the issue of, a marriage certificate by a Marriage Registrar . . .	10	0	0
6.—For searching marriage register-books or certificates or duplicates or copies thereof for a period of not more than one year, or, in the case of a search of the register-books or certificates prescribed under sections 37, 61 and 62, for a period of not more than two years	1	0	0
7.—For every additional year	0	4	0
8.—For granting a copy of any entry in marriage register-books, or certificates or duplicates or copies thereof under sections 63 and 79	1	0	0

II.—Rules.

I.—Fees levied by Marriage Registrars must, until further notice, be paid into the Government Treasury, and shall be credited to provincial services, or in such other manner as may be directed by the Government of India.

II.—Marriage Registrars are authorized to remit any portion, not exceeding three-fourths, of the fees in cases where they may consider the parties unable to pay such fees in full.

III.—The register-book prescribed in section 62 shall be kept in the form given in the fourth schedule of the Indian Christian Marriage Act, 1872.

IV.—The headings of the register-books prescribed in section 62 should be in the language of the district in which the register is kept, with an English translation, but so much of it as has to be filled in by the hand of the person performing the ceremony must be in his own vernacular language.

* The Notification also does not apply to the State of Mysore (see p. 41 of the volume of these Lists relating to Madras and Mysore.) * It is not therefore, strictly speaking, a general one, but as it applies to the greater number of the Native States in India, it seems convenient to treat it as if it were general.

APPENDIX A—*continued.*

NOTIFICATIONS AND RULES UNDER THE INDIAN CHRISTIAN MARRIAGE, AND THE FOREIGN JURISDICTION AND EXTRADITION ACTS—*continued.*

Notification and Rules under sections 84 and 62 of the Indian Christian Marriage Act, XV of 1872—concluded.

V.—Applications for supply of register-books and of forms of certificate should be forwarded for the sanction of the Local Government, the Agent to the Governor General, or other Chief Civil or Political authority having, in immediate subordination to the Government of India, the control of the relations with the Native State in which the marriage is solemnized.

[See *Gazette of India*, 18th October, 1873, Part I, page 902.]

Rules under the Foreign Jurisdiction and Extradition Act, XXI of 1879.

No. 31J., the 19th March, 1875.—In exercise of the powers conferred on him by sections 13 and 15 of Act XI of 1872,* and of all other powers enabling him in this behalf,† the Governor General in Council is pleased to make the following rules :—

1. The Political Agent shall not issue a warrant, under section 11 of the Act, in any case which is provided for by Treaty, if the Native State expressly desire to abide by the procedure of the Treaty, nor in any case in which application for surrender is made under section 14 to the Governor General in Council or any Local Government.

2. The Political Agent shall not issue a warrant, under section 11, except on a request preferred to him in writing by, or by the authority of, the person for the time being administering the executive Government of the Native State at which he is the British representative, and on the understanding that the provisions of Act XI of 1872‡ and of these rules are to apply to the case.

3. If the accused be a British subject, the Political Agent shall, before issuing such a warrant, consider whether he ought not to certify the case as one for trial in British India, and he shall, instead of issuing a warrant, so certify the case, if he is satisfied that the interests of justice and the convenience of witnesses can be better served by the trial being held in British India than in the Native State.

4. The Political Agent shall in all cases, before issuing a warrant under section 11, satisfy himself, by preliminary enquiry, that there is a *primâ facie* case against the accused, and that the charge is not prompted by political motives.

5. [See amended Rule on page 13.]

6. If the accused person be a British subject, but the Courts of the State do not by custom or recognition as aforesaid try Native British subjects, the Political Agent shall dispose of the case himself.

7. If the punishment which may be awarded by the Indian Penal Code for any offence for which the accused person has been surrendered as above be more than the Courts of the State by custom or recognition as aforesaid inflict, the Political Agent may try the case himself if he thinks it advisable to do so.

8. Notwithstanding anything in the three preceding rules, the Political Agent shall try any such case himself, or make it over for trial to the ordinary Courts of the State, if he be generally or specially instructed by the Governor General in Council so to do.

9. In cases made over for trial by the Courts of a Native State under Rules 5 and 7, the Political Agent shall satisfy himself that the accused receives a fair trial, and that the punishment inflicted in the case of his conviction is not excessive or barbarous; and, if he is not so satisfied, he shall demand the restoration of the prisoner to his custody, pending the orders of Government.

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* This Act has been repealed; but the Notification is kept in force by section 2 of Act XXI of 1879. Section 13 of the latter Act corresponds to section 15 of Act XI of 1872.

† In spite of this reference to "other powers," these Rules have been classified as British-Indian Enactments because they appear, in so far as they extend to Native territory, to be limited in their application to the persons to whom Act XXI of 1879 applies.

‡ Repealed. See now Act XXI of 1879.

APPENDIX A—*continued.*

NOTIFICATIONS AND RULES UNDER THE INDIAN CHRISTIAN MARRIAGE, AND THE FOREIGN JURISDICTION AND EXTRADITION ACTS—*continued.*

Rules under the Foreign Jurisdiction and Extradition Act, XXI of 1879—continued.

10. A return of all persons made over for trial by the Courts of a Native State under Rules 5 and 7 shall be submitted half-yearly by the Political Agent to the Government of India or the Government of Madras or Bombay, as the case may be, in the following form :—

Half-yearly Return, under Rule 9 of the Rules under the Extradition Act (XI of 1872),† of persons made over by the Political Agent at for trial by the Courts of Native States under Rules 5 and 7, for the period ending*

Number.	Name of person.	Nationality.	Offence with which charged.	Where arrested.	Date of surrender.	Native State to which surrendered for trial.	Reasons for surrender.	Nature of sentence passed, with date of sentence.	Remarks.

11. Persons arrested in British territory on a warrant issued by a Political Agent under section 11, and persons arrested on a warrant issued under section 14, shall be treated, as far as possible, in the same way as persons under trial for a similar offence would be treated under the Code of Criminal Procedure [Act X of 1872‡], or under the procedure in force in the Presidency-towns if the arrests take place within any Presidency-town.

12. The persons sentenced to imprisonment by the Political Agent shall, if British subjects, be conveyed to the most convenient jail in British territory, there to be dealt with as though the conviction had taken place in a Court of British India: provided always that no appeal shall thereby be given other than is allowed by any rule for regulating appeals from the decisions of the Political Agent.

13. Nothing in rules 5 to 10, inclusive, which refer to cases under section 13 of the said Act, shall be deemed to apply to Political Agents immediately under the authority of the Governor in Council of the Presidency of Fort Saint George or the Governor in Council of the Presidency of Bombay.

[See *Gazette of India*, 13th March, 1875, Part I, page 128.]

No. 149J., the 8th October, 1875.—The Governor General in Council is pleased to order that the notification of this Department [*i. e., the Foreign Department*], No. 31J., dated 12th March, 1875, publishing certain Rules under Act XI of 1872 (the Foreign Jurisdiction and Extradition Act, 1872),† shall not apply to Native territory under the direct administration of the British Government, in which the Code of Criminal Procedure (Act X of 1872‡) is in force.

[See *Gazette of India*, 9th October, 1875, Part I, page 524.]

* *Sic.* Read 'Rule 10.'
† Repealed. See now Act XXI of 1879.
‡ Repealed. See now Act X of 1882.

APPENDIX A—*concluded.*

NOTIFICATIONS AND RULES UNDER THE INDIAN CHRISTIAN MARRIAGE, AND THE FOREIGN JURISDICTION AND EXTRADITION ACTS—concluded.

Rules under the Foreign Jurisdiction and Extradition Act, XXI of 1879—concluded.

No. 67J., the 16th August, 1876.—In supersession of rule No. 5 of the Rules under Act XI of 1872 (the Foreign Jurisdiction and Extradition Act, 1872),* published by Notification of this Department [*i.e., the Foreign Department*], No. 31J., dated 12th March, 1875, the Governor General in Council is pleased to prescribe the following:—

"If the person surrendered under the warrant of a Political Agent, issued under section 11, be not a British subject; or, if such person being a British subject, the Courts of the State, either by custom or by the express recognition of the Governor General in Council, try Native British subjects surrendered to them by extradition, and the Political Agent, after hearing the statement, if any, of the accused and making such further enquiry as he may deem necessary, is still satisfied that there is a *primâ facie* case against the accused, and that the charge is not prompted by political motives, the Political Agent shall make over the accused to be tried by the ordinary Courts of the State in which the offence was committed; provided that the Courts of the State have, by custom or recognition as aforesaid, power to inflict the punishment which may be inflicted under the Indian Penal Code for the offence with which the accused person is charged."

[See *Gazette of India*, 19th August, 1876, Part I, page 440.]

* Repealed. See now Act XXI of 1879.

APPENDIX B.

PROVISIONS IN THE CODES OF CRIMINAL AND CIVIL PROCEDURE HAVING SPECIAL REFERENCE TO NATIVE STATES.

I.—The Code of Criminal Procedure, Act X of 1882.

Sections 188 to 190	Provide for the trial in British India of European-British subjects committing offences in the dominions of Princes or States in India in alliance with Her Majesty, and of Native Indian subjects committing offences anywhere.*
Chapter XL	Provides for the issue of commissions for the examination of witnesses residing in the dominions of Princes or States in alliance with Her Majesty.

NOTE.—By Section 8 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, the law relating to offences and Criminal Procedure for the time being in force in British India has generally been extended (subject as to procedure, to such modifications as the Governor General in Council from time to time directs) to European-British subjects in the dominions of Princes and States in India in alliance with Her Majesty, and to Native Indian subjects everywhere.

* Therefore in the Island of Cyprus, see Empress v. Sarmuli Singh, I. L. R. 2 All., 218, where the corresponding provision in sec. 9 of Act XI of 1873 (now superseded by these provisions in the Code) was considered.

II.—The Code of Civil Procedure, Act XIV of 1882.

Section 90	Provides for the service of summons of British-Indian Courts in foreign territory.
Section 229	Provides for the execution in British India of decrees of Courts, established or continued by the Governor General in Council in the territories of any Foreign Prince or State.
Section 229A	Provides for the transmission of decrees of British-Indian Courts for execution to any Court established or continued by the Governor General in Council in the territories of any Foreign Prince or State to which the section has by notification in the *Gazette of India* been declared to apply.
Section 229B	Provides for the execution in British India of the decrees of Civil and Revenue Courts of any Native Prince or State in alliance with Her Majesty, on the publication of a notification to that effect in the *Gazette of India*.
Section 387	Provides for the issue of Commissions to examine witnesses not residing within British India.
Section 391	Declares that the Provisions in the Code regarding the execution and return of Commissions shall apply to Commissions issued by Foreign Courts.
Chapter XXVIII (Sections 431 to 434)	Deals with suits by, or against, any Sovereign Prince or Ruling Chief, whether in subordinate alliance with the British Government or otherwise, or any ambassador or envoy of a Foreign State.
Section 404	Excepts a Sovereign Prince or Ruling Chief suing or being sued in the name of his State, by direction of the Governor General in Council or a Local Government, from the provisions of Chapter XXXI (suits by or against minors or persons of unsound mind).
Section 650A	Provides for the service in British India of summons issued by Courts beyond the limits of British India which have either been established or continued by the Governor General in Council, or to which the provisions of the section have been declared by notification in the *Gazette of India* to apply.

PART II.—THE BRITISH ENACTMENTS EXTENDING LOCALLY TO THE NATIVE STATE OF HYDERABAD.

CHAPTER I.—THE HYDERABAD STATE, OR THE TERRITORY ADMINISTERED BY HIS HIGHNESS THE NIZAM.

CHAPTER II.—BERAR, OR THE HYDERABAD ASSIGNED DISTRICTS.

CHAPTER III.—CANTONMENTS.

(1) The Cantonment of Sikandrábád.

(2) Other Cantonments.

CHAPTER IV.—THE HYDERABAD RESIDENCY BAZAARS.

CHAPTER V.—RAILWAYS.

BENGAL SECRETARIAT LIBRARY

CHAPTER I.

THE HYDERABAD STATE, OR THE TERRITORY ADMINISTERED BY HIS HIGHNESS THE NIZAM.

[For the relations of the Hyderabad State to the British Government, see Aitchison's Treaties, Volume V, Part III, pages 131 to 239.]

The British enactments extending locally to the Hyderabad State consist of—

British-Indian Enactments, namely—

LOCAL RULES AND NOTIFICATIONS:—

(a) made under Statutes extending generally to all Native States.

(b) made under Acts extending generally to all Native States.

PART II.—HYDERABAD.—CHAPTER I.—THE HYDERABAD STATE.

British-Indian Enactments.

LOCAL RULES AND NOTIFICATIONS—

(a) made under Statutes extending generally to all Native States.

Year.	Reign.	Chapter.	Section.	Subject of Notification.	Notification.
1865	28 & 29 Vict.	15	3	Directing that criminal jurisdiction over European-British subjects,† being Christians, in the State of Hyderabad shall be exercised by the High Court at Bombay.	*No. 178J., dated the 23rd September, 1874.*—With reference to Notification No. 1203‡ of this date, in the Home Department, the Governor General in Council is pleased, in the exercise of the powers conferred by the twenty-eighth of Victoria, chapter fifteen, section 3, to make the following orders:— Original and appellate criminal jurisdiction over European-British subjects of Her Majesty, being Christians, resident in the Native States, Territories and Chiefships below named, shall, until the Governor General in Council otherwise orders, be exercised by the High Courts of Judicature established at Fort William, Madras and Bombay and in the North-Western Provinces, respectively, as follows:— * * * * III.—By the High Court at Bombay, in— Hyderabad, excepting the Assigned Districts. * * * * [See *Gazette of India*, 26th September, 1874, Part I, page 485.]

† In regard to the jurisdiction of the British Government over European-British subjects and others in the Nizam's Dominions, see also the Nizam's sunnud dated 10th July, 1861, in Aitchison's Treaties, Vol. V, Part III, p. 225.

‡ Under this Notification certain districts in British India were placed under the several High Courts in British India for the purposes of jurisdiction over European-British subjects.

British-Indian Enactments—continued.

LOCAL RULES AND NOTIFICATIONS—

(b) made under Acts extending generally to all Native States.

Year.	No.	Subject of Act.	Section.	Subject of Notification.	Notification.
1872	XV	Christian Marriage	56	Appointing the First Assistant to the Resident at Hyderabad as the Officer to receive certificates under section 54.	*No. 156 I. J., dated the 8th July, 1881.*—In exercise of the powers conferred upon him by section 56 of the Indian Christian Marriage Act (XV of 1872), the Governor General in Council hereby appoints the First Assistant to the Resident at Hyderabad, for the time being, as the officer to whom Marriage Registrars* within the dominions of His Highness the Nizam shall send the certificates mentioned in section 54 of the aforesaid Act. [See *Gazette of India*, 9th July, 1881, Part I, page 281.]
1874	II	Administrator General.	3	Directing that the Nizam's dominions shall, for the purposes of the Act, be included in the Presidency of Madras.	*No. 101 J., dated the 19th July, 1878.*—In exercise of the power conferred by section 3 of Act II of 1874 (The Administrator General's Act), the Governor General in Council is pleased to direct that the dominions of Princes and States in India in alliance with Her Majesty shall, for the purposes of the said Act, be included in the Presidencies of Bengal, Madras and Bombay, respectively, as follows:— * * * * *In the Presidency Madras—* * * * The Dominions of His Highness the Nizam of Hyderabad: * * * [See *Gazette of India*, 20th July, 1878, Part I, page 438.]
1879	XXI	Foreign Jurisdiction.	6	Directing commitments of European-British subjects, being Christians, in the State of Hyderabad	*No. 179 J., dated the 23rd September, 1874.*—In exercise of the powers vested in him by section 6 of Act X I

* All such Marriage Registrars have been appointed by name, and therefore their Notifications of appointment are not included in this List—see preface, para. 8, cl. (a).

British-Indian Enactments—continued.

LOCAL RULES AND NOTIFICATIONS—

(b) made under Acts extending generally to all Native States—*continued.*

Year.	No.	Subject of Act.	Section.	Subject of Notification.	Notification.
1879	XXI —*contd.*	Foreign Jurisdiction.		to the High Court at Bombay.	of 1872,* the Governor General in Council is pleased to direct that all Justices of the Peace within the States, Territories and Chiefships specified in the preceding Notification† shall commit for trial to the High Courts, respectively, having jurisdiction under the said Notification, such European-British subjects, being Christians, as are required by Act X of 1872‡ to be committed to a High Court [See *Gazette of India*, 26th September, 1874, Part I, page 486.]
	,,	Ditto . . .	6	Appointing the First Assistant to the Resident to be a Justice of the Peace.	*No. 1905 I., dated the 28th May, 1884.*—In exercise of the powers conferred by section 6 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879), the Governor General in Council is pleased to appoint the officer for the time being holding the office of First Assistant to the Resident at Hyderabad, being a European-British subject, as a Justice of the Peace within the State of Hyderabad. [See *Gazette of India*, 31st May, 1884, Part I, page 216.]
,,	,,	Ditto . . .	,,	Appointing the Superintendent of the Hyderabad Residency Bazaars to be a Justice of the Peace.	*No. 1369 I., dated the 23rd April, 1885.*—In exercise of the powers conferred by section 6 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879), the Governor General in Council is pleased to appoint the officer for the time being holding the office of Superintendent of the Hyderabad Residency Bazaars, being a European-British subject, to

* This Act has been repealed, but the Notification is kept in force by section 2 of Act XXI of 1879.
† That is, Notification No. 1785, dated 23rd September, 1874, set out in the List on page 18.
‡ Repealed. See now Act X of 1882.

British-Indian Enactments—concluded.

LOCAL RULES AND NOTIFICATIONS—

(b) made under Acts extending generally to all Native States—*concluded.*

Year.	No.	Subject of Act.	Section.	Subject of Notification.	Notification.
1879	XXI —*contd.*	Foreign Jurisdiction.			be a Justice of the Peace within the State of Hyderabad. [See *Gazette of India*, 25th April 1885, Part I, page 265.]
,,	,,	Ditto . . .	,,	Appointing the Second Assistant Resident at Hyderabad, being a European-British subject, to be a Justice of the Peace in the State.	*No. 1147 I., dated 22nd March, 1888.*—In exercise of the powers conferred by section 6 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879), the Governor General in Council is pleased to appoint the Second Assistant to the Resident at Hyderabad, being a European-British subject, to be a Justice of the Peace in the Hyderabad State. [See *Gazette of India*, 24th March, 1888, Part I, page 137.]
,,	,,	Ditto . .	4 & 5	Conferring powers of District Magistrate, Court of Session and High Court, under the Criminal Procedure Code, on the Superintendent, Hyderabad Residency Bazaars, the First Assistant to the Resident at Hyderabad and the Resident at Hyderabad, respectively, in respect of proceedings against persons other than European-British subjects; and prescribing procedure of First Assistant to the Resident at Hyderabad when acting as a Court of Session.	*No. 1639 I., dated the 22nd May, 1885.*—See Appendix A, where this Notification is set out.
1886	II	Income Tax . .	40	Investing, among other Political officers, the First Assistant to the Resident at Hyderabad with the powers of a Collector under the Act for the purpose of granting certificates in respect of interest due on Government securities held by persons residing out of British India.	*No. 4135, dated the 16th September, 1887.* [See *Gazette of India*, 17th September, 1887, Part I, page 465.]

* In regard to the classification of this Notification as a British-Indian Enactment see note to Notification as set out in Appendix A.

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APPENDIX A.

No. 1639-I., dated the 22nd May, 1885.—In exercise of the powers conferred by sections 4 and 5 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879), and of all other powers enabling him in this behalf,* the Governor General in Council is pleased to direct as follows:—

1. The Superintendent of the Hyderabad Residency Bazaars for the time being shall exercise within the limits of His Highness the Nizam's Territories (in all cases in which such powers may lawfully be exercised by the Governor General in Council within such territories) the powers of a
X of 1882. District Magistrate as described in the Code of Criminal Procedure.

2. The First Assistant to the Resident at Hyderabad for the time being shall exercise within the limits of His Highness the Nizam's Territories (in all cases in which such powers may lawfully be exercised by the Governor General in Council within such territories) the powers of a Court of
X of 1882. Session as described in the Code of Criminal Procedure.

3. The Resident at Hyderabad for the time being shall exercise the powers of a High Court as
X of 1882. described in the said Code in respect of all offences over which magisterial jurisdiction is exercised by the Superintendent of the Hyderabad Residency Bazaars within the said territories, and in respect of all offences over which the jurisdiction of a Court of Session is exercised by the First Assistant to the Resident within the said territories.

4. In the exercise of the jurisdiction of a Court of Session conferred on him by this Notification, the First Assistant to the Resident may take cognizance of any offence as a Court of Original Criminal Jurisdiction without the accused person being committed to him by a Magistrate, and
X of 1882. shall, when so taking cognizance of any offence, follow the procedure laid down by the Code of Criminal Procedure for the trial of warrant cases by Magistrates.

5. This Notification applies to all proceedings except proceedings against European-British subjects or persons jointly charged with European-British subjects, and it applies to proceedings which may be pending at the date of this Notification if they have been instituted and are being conducted in conformity with the provisions herein contained.

6. Nothing in this Notification shall be deemed to extend to any Cantonment, or to the Hyderabad Residency Bazaars, or to any railway lands situate within the said territories.

[See *Gazette of India*, 23rd May, 1885, Part I, page 304.]

APPENDIX B.

MISCELLANEOUS NOTES.

NOTE 1.—For the Notifications by the Government of Bombay, declaring the Territories of His Highness the Nizam to be Foreign Territory for the purposes of Act XI of 1869 (see now Act XI of 1882, by section 2 of which previous Notifications are kept in force) *See Bombay Government Gazette*, 13th January and 11th May, 1870, Part I, pages 19 and 498, respectively.

NOTE 2.—For Notification regarding the execution and realisation of decrees of the City and Suburban Courts of the Nizam's Government in Sikandarábád and Hyderabad Residency Bazaars, and *vice versâ*, and regarding the realisation of State demands of either that or the British Government, *See* No. 26, dated 10th December, 1884, in Appendix B to Chapter III of this Part, where the Notification is set out *in extenso*.

NOTE 3.—For Rules regarding the surrender of Hyderabad subjects accused of criminal offences and present or living in the Cantonment of Sikandarábád, and also for making requisitions for the surrender by His Highness the Nizam's Government of persons accused of having committed criminal offences within the Cantonment of Sikandarábád, *See* Notification No. 27, dated 20th December, 1884, in Appendix B to Chapter III of this Part, where the Notification is set out *in extenso*.

For Extradition Treaty, dated the 25th May, 1867, between the British Government and the Hyderabad State, *See* Aitchison's Treaties, Volume V, Part III, page 229, and for supplementary agreement, dated the 14th April, 1888, modifying the provisions of that treaty with regard to the extradition of offenders from British India to the Hyderabad State, *See Gazette of India*, 21st April, 1888, Part I, page 183.

* In spite of this reference to "other powers," this Notification has been classified as a British-Indian Enactment because it only extends (see para. 5) to the territories administered by His Highness the Nizam, where British jurisdiction is limited to British subjects.

CHAPTER II.

BERAR, OR THE HYDERABAD ASSIGNED DISTRICTS.

[These districts were assigned to the British Government by His Highness the Nizam for the support, on behalf of His Highness, of a contingent of troops known as the Hyderabad Contingent—*See* the Treaties of the 21st May, 1853, and 26th December, 1860, Aitchison's Treaties, Volume V, Part III, pages 212 and 222, respectively.

The nature of the tenure under which these districts are held by the British Government was thus described by Bayley, J., in I. L. R., 9 Bom., 249:—"The Berars are held under a treaty with the Nizam, dated the 21st May, 1853: *See* Aitchison's Treaties, Volume V, page 212 (ed. 1876), Article 6 of which states that the assignment of such territories is made for the purpose of providing funds for certain specified purposes. It would appear, therefore, that the Berars are held under a sort of mortgage as a security for the fulfilment of certain engagements * *."

These districts (East and West Berar) form a Commissionership and have a Judicial Commissioner subordinate to the Resident at Hyderabad—*See* Foreign Department Notifications 156J., dated the 30th September, 1870, and 640G., dated the 20th March, 1874, in Appendix B, pages 104 and 106.]

The British Enactments extending locally to Berar consist of—

A.—British-Indian Enactments, namely—

1.—LOCAL RULES AND NOTIFICATIONS—

(a) made under Statutes extending generally to all Native States.
(b) made under Acts extending generally to all Native States.

B.—British-Berar Enactments, namely—

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—

(a) Enactments of the British-Indian Legislatures locally extended—
  (i) Acts of the Governor General in Council.
  (ii) Acts of the Governor of Bombay in Council.
(b) Special Local Laws.*

2.—LOCAL RULES AND NOTIFICATIONS—

(a) made under Enactments of the British-Indian Legislatures locally extended;
(b) made under Special Local Laws.

* Many of the laws entered under this head are styled Rules; but they are all of the nature of principal rather than subsidiary enactments (*See* Preface).

A.—British-Indian Enactments.

1.—Local Rules and Notifications—

(a) made under Statutes extending generally to all Native States.

Year.	Reign.	Chapter.	Section.	Subject of Notification.	Notification.
1865	28 Vict.	15	3	Directing that criminal jurisdiction over European-British subjects, being Christians, in the Hyderabad Assigned Districts shall be exercised by the High Court at Bombay.	*No. 178 J., dated the 23rd September, 1874.*—With reference to Notification No. 1203† of this date, in the Home Department, the Governor General in Council is pleased, in the exercise of the powers conferred by the twenty-eighth of Victoria, chapter fifteen, section three, to make the following orders:— Original and appellate criminal jurisdiction over European-British subjects of Her Majesty, being Christians, resident in the Native States, Territories and Chiefships below named shall, until the Governor General in Council otherwise orders, be exercised by the High Courts of Judicature established at Fort William, Madras, Bombay, and in the North-Western Provinces, respectively, as follows:— * * * * * III.—By the High Court at Bombay, in— The Hyderabad Assigned Districts.‡ * * * * * [*See Gazette of India*, 26th September, 1874, Part I, page 485.]

† Under this Notification certain districts in British India were placed under the several High Courts in British India for the purposes of jurisdiction over European-British subjects.

‡ Rules relating to the trial of European-British subjects in these Districts by the Courts of Session and by District Magistrates under s. 276 of the Code of Criminal Procedure, 1882, as amended by Act. III of 1886 have been approved by the Bombay High Court and sanctioned by the Resident at Hyderabad—*See* Notification No. 232, dated the 20th November, 1886, at p. 178 of the *Hyderabad Residency Orders*, for the 1st December, 1886, Part I.

A.—British-Indian Enactments—concluded.

1.—Local Rules and Notifications—

(b) made under Acts extending generally to all Native States.*

Year.	No.	Subject of Act.	Section.	Subject of Notification.	Notification.
1879	XXI	Foreign Jurisdiction and Extradition.	3	Directing commitments of European-British subjects, being Christians, in the Hyderabad Assigned Districts, to the High Court at Bombay.	*No. 179J., dated the 23rd September, 1874.*—In exercise of the powers vested in him by section 6 of Act XI of 1872,† the Governor General in Council is pleased to direct that all Justices of the Peace within the States, Territories and Chiefships specified in the preceding Notification‡ shall commit for trial to the High Courts, respectively, having jurisdiction under the said Notification, such European-British subjects, being Christians, as are required by Act X of 1872§ to be committed to a High Court. [See *Gazette of India*, 26th September, 1874, Part I, page 486.]

* In addition to the Notification here set out, the Notifications under Act XV of 1872, II of 1874, and II of 1886, as also the other Notifications under Act XXI of 1879 (save No. 1639I., dated 22nd May, 1885) in chapter I, pages 19 to 21, extend also to Berar as being within the limits of the Nizam's Dominions.

† This Act has been repealed, but the Notification is kept in force by section 2 of Act XXI of 1879.

‡ That is, Notification No. 178J., dated 23rd September, 1874—*See* preceding page.

§ Repealed. See now Act X of 1882.

B.—British-Berar Enactments.

1.—Local Laws made by, or with the sanction of, the Governor General in Council.

(a) Enactments of the British-Indian Legislatures locally extended.

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
			(i).—*Acts of the Governor General in Council.*		
1841	XIX	Curators .	The whole Act, except sections 16 & 20.	*For* "Judge of the Court of the District" and "Judge," *read* "Deputy Commissioner"; *for* "Sadr Diwání Adálat," *read* "Resident at Hyderabad"; and *for* "Collector," *read* "Deputy Commissioner."	*No. 212, dated the 24th October, 1873.*—In supersession of all previous Notifications extending Acts to the Hyderabad Assigned Districts, the Governor General in Council is pleased to declare that the following Acts apply to those Districts, to the extent, and subject to the modifications, hereinafter mentioned:— (Here follows a list of the Acts, including Act XIX of 1841, for modifications in which see two preceding columns.) [See *Gazette of India*, 1st November, 1873, Part I, page 927.]
1846	III	Boundary-marks.	Sections 1, 5 & 6 .	*For* "Territories subject to the presidency of Bombay," *read* "Hyderabad Assigned Districts." *For* "such Revenue-officers as the Governor in Council may entrust with that authority" and "Revenue-officers," *read* "Tahsildárs."	Included in the list of Acts appended to Notification No. 212, dated 24th October, 1873, set out opposite Act XIX of 1841 above.
1847	XX	Copyright .	The whole Act, except sections 4 and 17, and so much of section 16 as relates to actions, suits and bills.	In section 6, *for* "Supreme Court of Calcutta," *read* "High Court at Fort William."	Ditto.
1850	XII	Public Accountants.	Sections 1 to 5 (both inclusive).	*For* "Governor or Governor in Council of the Presidency or place," *read* Resident at Hyderabad." *For* "East India Company," *read* "Government."	Ditto.
	XVIII	Protection of Judicial Officers.	The whole Act	.....	Ditto.

B.—British-Berar Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
			(i).—*Acts of the Governor General in Council*—continued.		
1850	XXI	Non-forfeiture of Rights by loss of Caste.	The whole Act .	*For* "Territories subject to the Government of the East India Company" and "the said territories," *read* "British India and the Hyderabad Assigned Districts"; and *for* "Courts of the East India Company," *read* "Courts of British India and of the Hyderabad Assigned Districts."	Included in the list of Acts appended to Notification No. 212, dated 24th October, 1873, set out opposite Act XIX of 1841, above.
"	XXXVII	Inquiries into Behaviour of Public Servants.	Sections 2 to 22 (both inclusive) and section 25.	*For* "Government" and "the Government," *read* "the Resident at Hyderabad." *For* "the East India Company," *read* "Government." *For* "perjury," *read* "giving false evidence in a judicial proceeding." In section 8, *for* "given to Civil and Criminal Courts by Act XXX, 1841," *read* "for the time being possessed by Civil and Criminal Courts."	Ditto.
1856	XV	Re-marriage of Hindu Widows.	The whole Act .	.....	Ditto.
1858	XXXV	Lunatics .	The whole Act, except section 1.	*For* "Supreme," *read* "High."	Ditto.
"	XXXVI	Lunatic Asylums.	The whole Act .	.....	Ditto.
"	XL	Minors	The whole Act, except section 1.	.. ...	Ditto.
1859	X	Rent .	Sections 32 to 36 (both inclusive), 38 to 75 (both inclusive), 78, 82 to 104 (both inclusive), 112 to 152 (both inclusive), 155 to 162 (both inclusive), but only as to villages in Berar, leased under the Waste-land Rules.	In sections 120, 156, and 161, *omit* the words which have been repealed by Act VII of 1870.	Ditto.

B.—British-Berar Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
		(i).—*Acts of the Governor General in Council*—continued.			
1859	*XV	Patents	The whole Act, except section 37.	In section 8, *for* "perjury," *read* "giving false evidence in a judicial proceeding."	Included in the list of Acts appended to Notification No. 212, dated 24th October, 1873, set out opposite Act XIX of 1841, above.
1860	IX	Employers and Workmen.	The whole Act, except section 9 and the last eighteen words of section 2.	.....	Ditto.
„	XXVII	Collection of Debts on Successions.	The whole Act, except section 1.	.....	Ditto.
„	†XXXI	Arms	The whole Act, except sections 1, 52 and 55.	As amended by Act VI of 1868.	Ditto, and No. 767P., dated 19th April, 1876. It is notified for general information that the provisions of Act XXXI of 1860 (*An Act relating to the manufacture, importation and sale of arms, ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases*), as modified by Act VI of 1868 (*The Arms Act Continuance Act, 1896*) are in force throughout the Hyderabad Assigned Districts. • • • • • [See *Gazette of India*, 22nd April, 1876, Part I, page 236], and Notification No. 878 P., dated 26th April, 1877, repealing the foregoing Notification :— [See *Gazette of India*, 28th April, 1877, Part I, page 215.].
„	XLV	Penal Code	The whole Act	.....	Included in the list of Acts appended to Notification No. 212, dated 24th October, 1873, set out opposite Act XIX of 1841, above.
1861	V	Police	The whole Act, except section 11.	.....	Ditto.

* So much of this Act as had not already been repealed has been repealed in British India by Act V of 1886.
†This Act has been repealed in British India by Act XI of 1878.

B.—British-Berar Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
			(6).—*Acts of the Governor General in Council*—continued.		
1861	IX	Minors	The whole Act, except section 8, and, in section 7, the words "the laws in force" down to and including the words "*Fort St. George* and."	*For* the words "regular suit," wherever they occur, *read* the words "suit under the Code of Civil Procedure." *For* section 5, *substitute* the following section:— "An appeal shall lie to the Court of the Judicial Commissioner of the Hyderabad Assigned Districts from any order made by a Lower Court under this Act, under rules applicable to appeals from original decrees to such Judicial Commissioner's Court, except that the memorandum of appeal may be written on a stamp-paper of the value prescribed for petitions to the said Judicial Commissioner's Court."	*No. 618, dated the 15th May, 1878.*—The Governor General in Council is pleased to extend Act IX of 1861 (*An Act to amend the law relating to Minors*) to the Hyderabad Assigned Districts, subject to the following modifications, namely:— (See two preceding columns.) [See *Gazette of India*, 18th May, 1878, Part I, page 312.]
"	XVI	Stage Carriages.	The whole, except section 22.	(1) *For* "British India," wherever the words occur, *read* "the Hyderabad Assigned Districts." (2) *Omit* the words "or by the Chief Commissioner of Police of a Presidency Town" "or Chief Commissioner of Police," and "or Chief Commissioner of Police aforesaid," wherever they occur. (3) In section 5, after the words in the English, *insert* "and in the Marathi." (4) In section 21, omit the definition of "British India," and for the definition of "house," *read* "all expres-	*No. 2156 I., dated the 1st June, 1888.*—The Governor General in Council, in exercise of the powers conferred upon him by the Foreign Jurisdiction and Extradition Act, XXI of 1879, and of all other powers enabling him in this behalf, is pleased to extend the provisions of Act XVI of 1861 (An Act for licensing and regulating Stage Carriages) to the Hyderabad Assigned Districts, with effect from the 1st day of June, 1888, subject to the following modifications:— (See two preceding columns.) [See *Gazette of India*, 2nd June, 1888, Part I, page 245.]

B.—British-Berar Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

(i).—*Acts of the Governor General in Council*—continued.

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
1861	XVI —*contd.*	Stage Carriages.		sions and provisions which in this Act are applied to horses shall also apply to all other animals employed in drawing any carriage ordinarily used for the purpose of carrying passengers for hire to, or from, any place in the Hyderabad Assigned Districts." (5) See preceding column.	
1863	XX	Native Religious Endowments.	The whole Act, except section 1, and so much of section 18 as relates to unstamped paper and stamp-duty.	.....	Included in the list of Acts appended to Notification No. 212, dated 24th October, 1873, set out opposite Act XIX of 1841, above.
1864	III	Foreigners .	Sections 1 to 4 .	To section 1, second paragraph, *add* the words "and shall include the Hyderabad Assigned Districts." To section 1, third paragraph, *add* the words "the words 'Local Government' shall include the Resident at Hyderabad."	*No. 1389 I., dated the 28th May, 1883.*—The Governor General in Council is pleased to extend sections 1 to 4 of Act III of 1864 (*An Act to give the Government certain powers with respect to Foreigners*) to the Hyderabad Assigned Districts, with the following modifications:— (See two preceding columns.) [See *Gazette of India*, 2nd June, 1883, Part I, page 241.]
	VI	Whipping .	The whole Act, except sections 8, 11 and 12.	In sections 9 and 10, *for* "Local Government," *read* "Resident at Hyderabad."	Included in the list of Acts appended to Notification No. 212, dated 24th October, 1873, set out opposite Act XIX of 1841, above.
1865	III	Carriers .	The whole Act. .	In sections 6 and 7, *for* "Act XXII of 1863 (*to provide for taking land for works of public utility to be constructed by*	Ditto.

B.—British-Berar Enactments—continued.

I.—Local Laws made by, or with the sanction of, the Governor General in Council—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
			(i).—*Acts of the Governor General in Council*—continued.		
1865	III —*contd.*	Carriers.		*private persons or Companies, and for regulating the construction and use of works on land so taken),*" *read* "the Land Acquisition Act, 1870."	
,,	*VII	Forests ...	The whole Act, except sections 18 and 19, the last clause of section 1, and the last eighteen words of section 10.	*For* "Local Government," *read* "Resident at Hyderabad."	Included in the list of Acts appended to Notification No. 212 J., dated 24th October, 1873, set out opposite Act XIX of 1841, above.
,,	X	Succession .	The whole Act (except sections 329, 330, and the schedule), but not so as to affect Native Christians.	.....	Ditto.
,,	XI	†Mufassal Small Cause Courts.	The whole Act, except the portions of sections 2 and 47 repealed respectively by Acts VII and XIV of 1870.	*For* "High Court," *read* "the Court of the Judicial Commissioner of the Hyderabad Assigned Districts" wherever they occur.	Ditto, and No. 150J., dated 5th August, 1874. In modification of the Foreign Department Notification No. 212J., dated 24th October, 1873, the Governor General in Council is pleased to declare that in the Hyderabad Assigned Districts Act XI of 1865 shall be read as if for the words "High Court" the words "Court of the Judicial Commissioner of the Hyderabad Assigned Districts" were substituted. [See *Gazette of India*, 8th August, 1874, Part I, page 417.]
,,	XXI	Intestate Succession to Pársis.	The whole Act .	.....	Included in the list of Acts appended to Notification No. 212 J., dated 24th October, 1873, set out opposite Act XIX of 1841, above.

* But see the Berar Forest Rules of 1871 and the Berar Forest Law, 1886, pages 55 and 148 respectively. The latter, when it comes into force, will apparently supersede this Act, though it only expressly repeals the Rules of 1871.
† This Act has been repealed in British India by Act IX of 1887.

B.—British-Berar Enactments—continued.

I.—Local Laws made by or with the sanction of, the Governor General in Council—*contd.*

(*a*) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year	No.	Subject.	Extent of application.	Modifications.	Notification.
		(i).—*Acts of the Governor General in Council*—continued.			
1866	VI*	Arms Act Continuance.	The whole Act .	.....	Included in the list of Acts appended to Notification No. 212J., dated 24th October 1873, set out opposite Act XIX of 1841, above.
,,	XIV	Post Office .	Ditto . .	"British India" shall include "the Hyderabad Assigned Districts."	Ditto.
,,	XXI	Dissolution of Marriages of Converts.	The whole Act, except so much of section 7 as relates to a stamp.	.....	Ditto.
1867	III	Public Gambling.	The whole Act .	To the definition of "Chief Commissioner," *add* "and includes the Resident at Hyderabad." In section 17, *for* "61," *read* "307."	Ditto.
,,	XXV	Printing Presses and Books.	The whole Act, except sections 2 and 28.	To the definition of "Local Government," *add* "and the Resident at Hyderabad."	Ditto.
1868	†I	General Clauses.	The whole Act, except sections 7 and 8.	In section 2, *after* the word "operation," *insert* the words "and extended to the Hyderabad Assigned Districts."	Ditto.
1869	IV	Divorce .	The whole Act, except so much of sections 47 and 48 as relates to stamps.	.....	Ditto.
,,	V	Native Articles of War.	The whole Act, except the first three clauses of Part I, paragraph (c).	.....	Ditto.

* This Act has been repealed in British India by Act XI of 1878
† This Act has been suspended in British India by the General Clauses Act, I of 1887.

B.—British-Berar Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
			(i).—*Acts of the Governor General in Council*—continued.		
1869	XV	Prisoners' Testimony.	The whole Act	*For* "Local Government" *read* "Resident at Hyderabad."	Included in the list of Acts appended to Notification No. 2131., dated 24th October, 1873, set out opposite Act XIX of 1841, above.
1870	VII	Court-fees	The whole Act, except Chapters I and II, and schedule III, and except so much as is repealed by Acts XVI and XX of 1870, VIII of 1871, and XV of 1872.	*For* "Local Government" *read* "Resident at Hyderabad."	Ditto.
„	X	Land Acquisition.	The whole Act, except the last eighteen words of section 58.	*For* "Local Government," *read* "Resident at Hyderabad." *For* the definition of "Court," in section 3, *read* "The expression 'Court' means the Court of the Judicial Commissioner of the Hyderabad Assigned Districts, unless when the Resident at Hyderabad appoints (as he is hereby empowered to do) a Judicial Officer to perform, in any special case, the functions of a Judge under this Act, and then the expression 'Court' means the Court of such officer." *For* section 59, *read* "The Local Government may, from time to time, make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement, and may, from time to time, cancel, alter or	Ditto. See also the following Notification:— *No. 209 I. J., dated the 20th October, 1881.*—In continuation of so much of Foreign Department Notification No. 212, dated 24th October, 1873, as relates to Act X of 1870 (The Land Acquisition Act, 1870), the Governor General in Council is pleased to declare that for the definition of "Court," in section 3 of the said Act, the following definition shall be substituted:— (See preceding column.) 2. For section 59 of the said Act, X of 1870, the following shall be substituted, namely:— (See preceding column.) [See *Gazette of India*, 22nd October, 1881, Part I, page 513.]

* By an earlier Notification, No. 304, dated 1st December, 1869, *see Gazette of India*, dated 4th December, 1869, Part I, page 493, extending this Act to these districts, it was declared that for the purposes of the Act the Resident at Hyderabad should be deemed to be the "High Court," and the Deputy Commissioners of East and West Berars, the "District Judges" and their Courts "District Courts," but this Notification was superseded by the Notification No. 213, dated 24th October, 1873, quoted above, which does not contain any corresponding modifications.

B.—British-Berar Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

(i).—*Acts of the Governor General in Council*—continued.

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
1870	X —*contd.*	Land Acquisition.		add to the rules so made. All such rules, cancellations, alterations and additions shall, when sanctioned by the Governor General in Council, be published in the Local Official Gazette, and shall thereupon have the force of law."	
"	XX	Amending Court-fees Act.	The whole Act .	...	Included in the list of Acts appended to Notification No. 212 J., dated 24th October, 1873, set out opposite Act XIX of 1841, above.
"	XXIII	Coinage .	The whole Act, except section 2 and the schedule.	*For* "Local Government" *read* "Resident at Hyderabad.	Ditto.
"	XXVI	Prisons .	The whole Act .	*For* "Local Government" *read* "Resident at Hyderabad," and in section 6, *for* "British Burma," *read* "the Hyderabad Assigned Districts."	Ditto.
"	XXVII	Penal Code Amendment.	The whole Act .	In section 14 *for* "Local Government," *read* the Resident at Hyderabad."	Ditto.
1871	I	Cattle-trespass.	The whole Act .	...	Ditto.
"	*II	Paper Currency.	Ditto .	...	Ditto.
"	V	Prisoners .	The whole Act, except sections 2 to 15 (both inclusive) and the schedule.	*For* "Local Government," *read* "Resident at Hyderabad."	Ditto.
"	XIII	Pensions .	The whole Act, except sections 1 and 2 and the schedule.	Ditto	Ditto.

* This Act has been repealed in British India by Act XX of 1882.

B.—British-Berar Enactments—continued.

1.—Local Laws made by, or with the sanction of, the Governor General in Council.—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
			(*i*).—*Acts of the Governor General in Council*—continued.		
1871	*XXVI	Land Improvement.	The whole Act, except sections 1 and 2 and the schedule.	*For* "Local Government," *read* "Resident at Hyderabad."	Included in the list of Acts appended to Notification No. 212 J., dated 24th October, 1873, set out opposite Act XIX of 1841, above.
1872	I	Evidence .	The whole Act, as amended by Act XVIII of 1872.	...	Ditto.
„	IX	Contract .	The whole Act .	...	Ditto.
„	XI†	Foreign Jurisdiction and Extradition.	Ditto .	...	Ditto.
„	XIII‡	Patterns and Designs.	Ditto .	...	Ditto.
„	XV	Christian Marriage.	Ditto .	*For* "Local Government," *read* "Resident at Hyderabad."	Ditto.
„	XVIII	Evidence Act Amendment.	The whole Act, except section 12.	...	Ditto.
„	XIX	Penal Code Amendment (Definition of 'Coin').	The whole Act ...	...	Ditto.
1873	§IV	Municipalities (Panjáb).	The whole Act, except section 1.	*For* "Panjáb," *read* "Hyderabad Assigned Districts." *For* "*Panjáb Gazette*," *read* "*Hyderabad Residency Orders.*" *For* "Local Government," *read* "Resident at Hyderabad."	Ditto.

* This Act is only in force now in Berar in so far as regards the recovery of advances made on or before the 31st December, 1885, and as regards interest due on and costs incurred by, the Government in respect of these advances, *See* Notification No. 4129, dated 22nd December, 1885, opposite Act XIX of 1883, pages 48 and 49.

† This Act has been repealed by Act XXI of 1879, which applies to Native Indian subjects of Her Majesty beyond the limits of British India and to European-British subjects within the dominions of Princes and States in India in alliance with Her Majesty; but as that Act has never been extended to these Districts, Act XI of 1872 is apparently still in force there—at any rate, so far as regards persons other than British subjects.

‡ This Act has been repealed in British India by Act V of 1888.

§ This Act has been practically repealed by the Berar Municipal Law, 1886, see Appendix B, page 140 *et seq.*

B.—British-Berar Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
			(i).—*Acts of the Governor General in Council*—continued.		
1873	V	Government Savings Banks.	The whole Act	...	Included in the list of Acts appended to Notification No. 212 J., dated 24th October, 1873, set out opposite Act XIX of 1841, above.
"	X	Oaths	The whole Act, except section 2 and the schedule.	...	Ditto.
"	XIV	Military Lunatics' Property.	The whole Act	...	Ditto.
1875	*VIII	Inland Customs.	The whole Act (except paragraphs 2, 3 and 4 of section 1, section 2, and the schedule), but only so far as regards imports and manufacture of salt.	*For* the words "Local Government" (wherever they occur), *read* the words "Resident at Hyderabad." The words "the said territories" shall include the Hyderabad Assigned Districts. In section 25 and section 10, clause (c), *for* the word "Government," *read* the words "the Hyderabad Assigned Districts." In section 8, clause (a), *after* the words "Central Provinces," *insert* the words "and into any part of the Hyderabad Assigned Districts."	*No. 40 R., dated the 11th May, 1877.*—In supersession of Notification in the Foreign Department, No. 911 I., dated 21st April, 1874, the Governor General in Council is pleased to declare the provisions of the Inland Customs Act, 1875, to be in force in the Hyderabad Assigned Districts, so far as they relate to the import and manufacture of salt, and subject to the modifications hereinafter mentioned, that is to say:— (See two preceding columns.) [See *Gazette of India*, 12th May, 1877, Part I, page 243.]
"	XIII	Probates and Letters of Administration.	Section 6	*Prefix* the following preamble:—"Whereas it is expedient to amend the Court-fees Act, 1870, as to probates, letters of administration and certificates of administration; it is hereby enacted as follows:—" In sub-sections 10A and 10E, *for* "the Province in which the probate or letters has or have been granted," *read* "the Hy-	*No. 3866 I.*, dated *the 22nd September, 1864.*—The Governor General in Council is pleased to extend the following Acts to the Hyderabad Assigned Districts, to the extent and subject to the modifications hereinafter set forth:— (Here follows a list of the Acts, including Act XIII of 1875, for modifications in which see preceding column.) [See *Gazette of India*, 27th

* This Act has been repealed in British India by Act XII of 1883.

B.—British-Berar Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
			(i).—*Acts of the Governor General in Council*—continued.		
1875	XIII —*contd.*	Probates and Letters of Administration.		derabad Assigned Districts." In sub-section 19C, first line, *omit* the word "such." In sub-section 19G, *for* "first day of April, 1875," *read* "22nd day of September, 1884."	September, 1884, Part I, page 330.]
1877	I	Specific Relief.	The whole Act .		*No 77 J, dated the 27th June, 1887.*—His Excellency the Governor General in Council is pleased to extend the provisions of Act I of 1877 (The Specific Relief Act) and Act III of 1877 (The Indian Registration Act) to the Hyderabad Assigned Districts. [See *Gazette of India*, 30th June, 1877, Part I, page 332.]
"	III	Registration	The whole Act .	(1) *For* clauses (*a*), (*b*) and (*c*) of section 33, *read* the following clauses :— "(*a*) if the principal, at the time of executing the power-of-attorney, resides in the Hyderabad Assigned Districts, a power-of-attorney executed before, and authenticated by, the Registrar or Sub-Registrar within whose District or Sub-District the principal resides : "(*b*) if the principal, at the time aforesaid, resides in any part of British India in which the Indian Registration Act, 1877, is, for the time being, in force, a power-of-attorney executed before, and authenticated by the Registrar or Sub-Registrar within whose District or Sub-District, as defined in the said Act, the principal resides :	See Notification No. 79, dated 27th June, 1877, above, also the following notification :— *No. 191 I. J., dated the 24th June, 1881.*—Notification No. 47 I.-J., published in the *Gazette of India* of the 28th January, 1881, is hereby cancelled, and the following is substituted for it :— In continuation of Notification No. 77J. of the 27th June, 1877, extending the provisions of the Registration Act of 1877 to the Hyderabad Assigned Districts, the Governor General in Council is pleased to declare that the said Act shall be deemed to have come into force in the said districts from the date of the said Notification, subject to the following modifications :— (See preceding column.) [See *Gazette of India*, 25th June, 1881, Part I, page 253.]

B.—British-Berar Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.

(i).—*Acts of the Governor General in Council*—continued.

1877	III —*contd.*	Registration		"(c) if the principal, at the time aforesaid, does not reside in the Hyderabad Assigned Districts, or in any part of British India in which the Indian Registration Act, 1877, is, for the time being, in force, a power-of-attorney executed before, and authenticated by, a Notary Public, or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of Her Majesty or of the Government of India." (2) *For* the words "clauses "(*a*) and (*b*)," in the proviso to the same section, *read* the words "clause (*a*)." (3) *For* the words "British India" and "Local Government," wherever they occur, *read* the words "Hyderabad Assigned Districts" and "Resident at Hyderabad," respectively. (4) In section 4, *for* the words "territories subject to such Government," and, in section 60, *for* the words "territories under the Local Government," *read* the words "Hyderabad Assigned Districts." (5) In section 10, *for* the words "Judge of the District Court," *read* the words "Deputy Commissioner."	
"	XV	Limitation	The whole Act	*For* the words "1st day of October, 1877," *read* "1st day of September, 1878."	*No. 1157, dated the 19th July, 1878.*—With reference to Home Department Notification No. 451,* dated the

* Under this Notification the operation of the Act, which had been extended by a previous Notification, was postponed—See *Gazette of India*, 20th April, 1878, Part I, page 266.

B.—British-Berar Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
		(i).—*Acts of the Governor General in Council*—continued.			
1877	XV —*contd.*	Limitation .		*For* the words "High Court," *read* "Court of the Resident at Hyderabad." *For* the words "British India," *read* "the Hyderabad Assigned Districts," except in section 13, where *read* "the Hyderabad Assigned Districts and British India."	12th April last, the Governor General in Council is pleased to direct that the provisions of Act XV of 1877 (The Indian Limitation Act) shall, on and from the 1st day of September, 1878, be in force throughout the Hyderabad Assigned Districts, subject to the following modifications :— (See preceding column.) [See *Gazette of India*, 20th July, 1878, Part 1, page 439.] *No. 4476I., dated the 18th December, 1884.*—In modification of the Notification of the Government of India in the Foreign Department, No. 115J., dated the 19th July, 1878, it is hereby declared that in section 13 of Act XV of 1877 (The Indian Limitation Act), for the words "British India," the words "the Hyderabad Assigned Districts and British India" shall be read. [See *Gazette of India*, 20th December, 1884, Part 1, page 472.]
878	1	Opium .	The whole Act, except section 2; the last paragraph of section 22; in section 3, in the definition of "Magistrate," the words "in the Presidency-towns, a Presidency Magistrate, and elsewhere"; in section 12, in the third paragraph, the words "Collector of the District or"; in sections 19 and 24, the words "Collector of the Dis-	*For* the last two clauses of section 1, *read* the following clause :—"and it shall come into force in the Hyderabad Assigned Districts on the 21st day of August, 1879." *For* the words "the Local Government," "any Local Government," "the same Local Government," "such Government" and "such Local Government," wherever they occur, and for the words "British India" in section 6, *read* the words "the Resident at Hyderabad" and "the Hyder-	*No. 2351J., dated the 16th August, 1879.*—The Governor General in Council is pleased to extend Act No. I of 1878 (The Opium Act, 1878) to the Hyderabad Assigned Districts, subject to the modifications hereinafter specified. (See two preceding columns.) [See *Gazette of India*, 16th August, 1879, Part I, page 558.]

B.—British-Berar Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
			(i).—*Acts of the Governor General in Council*—continued.		
1878	I —*contd.*	Opium	trict"; and in section 24, the word "Collector" and the words "Collector, Deputy Collector or other."	abad Assigned Districts," respectively.	
1879	I	Stamps	The whole Act	(1) *For* the words "Local Government" and "British India," wherever they occur, *read* the words "Resident at Hyderabad" and "the Hyderabad Assigned Districts," respectively. (2) *For* the word "April," in the last paragraph of section 1 and in section 5, clause (a), *read* the word "June." (3) In section 46, after the words "Central Provinces," *add* the words "the Hyderabad Assigned Districts"	*No. 114 I.J., dated the 4th June, 1879.*—I.—The Viceroy and Governor General in Council is pleased to extend to the Hyderabad Assigned Districts Act I of 1879 (The Indian Stamp Act, 1879),* subject to the modifications noted below :— (See preceding column.) II.— * * * † [*See Gazette of India*, 7th June, 1879, Part I, page 394.]
"	III	Destruction of Records.	.....	See the Notification	*No. 227 I.J., dated the 15th August, 1879.* [See Appendix A, where this Notification is set out.]
"	IV	Railways	The whole Act, except the second paragraph of section 1, and, in section 3, in the definition of "Railway Administration," the words "or a Native State," and in section 80, the words "a Presidency Magistrate and."	.....	*No. 138 I.J., dated the 10th June, 1879.*—The Governor General in Council is pleased to extend the provisions of Act IV of 1879 (The Indian Railway Act, 1879) to the Hyderabad Assigned Districts, subject to the following modifications, namely :— (See preceding column.) [*See Gazette of India*, 14th June, 1879, Part I, page 410.]
"	XI	Local Authorities Loan.	The whole Act	As amended by Act XV of 1885.	*No. 3143 J., dated the 2nd September, 1886.*—The Governor General in Council is pleased to extend to the

† Part II of this Notification exempts from Stamp duty bills of exchange and cheques drawn in British India on which the full rate of duty has been paid there, on being negotiated in the Hyderabad Assigned Districts. It is set out on page 74 of these Lists.

B.—British-Berar Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
		(i).—*Acts of the Governor General in Council*—continued.			
1879	XI —*contd.*	Local Authorities Loan.			Hyderabad Assigned Districts the provisions, so far as they may be applicable, of the Local Authorities Loan Act, 1879, as amended by Act XV of 1885. [See *Gazette of India*, 4th September 1886, Part I, page 513.]
,,	XII *	Amending *Civil Procedure Code, 1877*, Registration Act, 1877, and Limitation Act, 1877.	The whole Act, *except section 92.*	*For the words "a High Court" and "the High Court" wherever they occur, read the words "the Court of the Resident at Hyderabad."* *For the words "British India" and "Local Government" wherever they occur, read the words Hyderabad Assigned Districts" and "Resident at Hyderabad," respectively.*	*No. 287 I. J., dated the 9th October, 1879.*—The Governor General in Council is pleased to extend Act No. XII of 1879 (*An Act to amend the Code of Civil Procedure, the Registration Act, 1877, and the Limitation Act, 1877*), except section 92, to the Hyderabad Assigned Districts, subject to the following modifications, that is to say:— (See two preceding columns.) [See *Gazette of India*, 11th October, 1879, Part I, page 644.]
1880	XIV	†Census	The whole Act, with certain exceptions.	*For* modifications see *Gazette of India*, quoted in the next column.	*No. 7 G. J., dated the 17th December, 1880*, subject to certain modifications. [See *Gazette of India*, 18th December, 1880, Part I, page 685.]
1881	V	Probate and Administration.	The whole Act, except— in section 3, the definition of "Province," in sections 52 and 59 the provisos, and sections 60, 65, 99, 154 and 155; in section 3, in the definition of "Minor," the words and figures "subject to the Indian Majority Act,	In sections 1 and 2, *for* the word "April," *read* the words "December *1st.*"; *For* the second proviso to section 2, *substitute* the following proviso:— "Provided also that no Court shall receive applications for probate or letters of administration until the Resident at Hyderabad has, by a Notification in the official Gazette, authorized it so to do."	*No. 2121 I. J., dated the 4th November, 1881.*—The Governor General in Council is pleased to extend Act V of 1881 (The Probate and Administration Act, 1881) to the Hyderabad Assigned Districts, subject to the following modifications:— (See two preceding columns.) [See *Gazette of India*, 5th November, 1881, Part I, page 540.]

* So much of this Act as amends the Civil Procedure Code (viz., sections 1 to 103) has been repealed by Act XIV of 1882, which has been extended to the Hyderabad Assigned Districts—*See* page 48.

† Spent, as the Census contemplated by the Act has been taken.

‡ &c.

B.—British-Berar Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
			(i).—*Acts of the Governor General in Council*—continued.		
1881	V —*contd.*	Probate and Administration.	1875, who has not attained his majority within the meaning of that Act, and any other person"; in section 85, the words and figures "except in cases to which the Hindu Wills Act, 1870, applies"; and in section 152, the words and figures "or Bombay Regulation No. VIII of 1827."	For the words "British India," and "High Court," wherever they occur, *read* the words "the Hyderabad Assigned Districts" and "Resident at Hyderabad," respectively. In section 5, *for* the word "province," in section 26, *for* the words "province in which application for probate is made," in section 29, *for* the words "province in which application is made," and *for* the word "province," in sections 29 and 30, *for* the word "province," in section 30, *for* the words "province within which the Court that has granted the probate or letters of administration is situate," in section 41, *for* the word "province," in section 59, *for* the words "province in which the same is granted," and in section 82, *for* the words "province in which the same may have been granted," *read* the words "Hyderabad Assigned Districts." In section 39, *for* the words "such Court," *read* the words "the Court that has granted the probate or letters of administration." In section 52, *for* the word "it," each time it occurs, *read* the word "he." In section 69, *for* the word "Collector," *read* the words "Deputy Commissioner." In section 81, *for* the words "Local Government," *read* the words "Resident at Hyderabad."	

B.—British-Berar Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
			(i.)—*Acts of the Governor General in Council*—continued.		
1881	VI	District Delegates.	The whole Act, except the proviso to section 2.	In section 1, *for* the words "British India" and the word "April," *read* the words "the Hyderabad Assigned Districts" and the words "December 1st,"* respectively; and in section 2, *for* the words "High Court," *read* the words "the Court of the Resident at Hyderabad."	*No. 220 I. J., dated the 4th November, 1881.*—The Governor General in Council is pleased to extend Act VI of 1881 (The District Delegates Act, 1881) to the Hyderabad Assigned Districts, subject to the following modifications:— (See two preceding columns). [See *Gazette of India*, 5th November, 1881, Part I, page 640.]
,,	XV	Factories	The whole Act	1. *For* the words "Local Government," wherever they occur, *read* the words "Resident at Hyderabad." 2. *For* the second paragraph of section 1, *read* the following paragraph:—"It applies to the Hyderabad Assigned Districts." 3. In the first paragraph of section 3, *for* the word "it," *read* the word "he," and *for* the word "its," *read* the word "his." 4. In the third line of section 11, *for* the words "such Government," *read* the words "Resident at Hyderabad." 5. In the last paragraph of section 12, *for* the word "it," *read* the word "he." 6. In section 19, *for* the word "Crown," *read* the word "Government."	*No. 207 I., dated the 16th January, 1884.*—The Governor General in Council is pleased to extend the provisions of the Indian Factories Act, 1881, to the Hyderabad Assigned Districts, with effect from the 1st day of January, 1884, subject to the following modifications, namely:— (See preceding column.) [See *Gazette of India*, 19th January, 1884, Part I, page 17.]
1882	III	Seditious publications.	The whole Act	*For* the second paragraph of section 1, *read* "And it extends to the Hyderabad Assigned Districts."	Included in the list of Acts appended to Notification No.* 3606, dated 22nd September, 1882, set out opposite Act XIII of 1875, above.

* *Sic.*

B.—British-Berar Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

(i).—*Acts of the Governor General in Council*—continued.

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
1882	VI	Companies .	The whole Act, except— in section 65, the words "if the registered office be situate in a district beyond the local limits of the ordinary original civil jurisdiction of a High Court," and the words "language or"; in section 125, the words "situate outside the towns of Calcutta, Madras and Bombay"; the proviso in clause (*g*) of section 144; in clause (*c*) of section 220, the words "that there be at all times maintained in each of the towns of Calcutta, Madras and Bombay at least one such office, and"; and the second paragraph of section 252.	*For* "Local Government" *read* "Resident at Hyderabad." *For* "British India" *read* "the Hyderabad Assigned Districts," except in the first place in which the phrase occurs in section 172, where it should be read as including the Hyderabad Assigned Districts. In clause 3 of section 1, *for* "the first day of May, 1882, *read* "the 22nd day of September, 1884." In section 3, *for* the definitions of "Court" and "District Court," *read* "'Court,' and 'District Court' mean the principal Civil Court of original jurisdiction in a district." In sections 123, 218, and 219, *for* "High Court," *read* "Court of the Judicial Commissioner." In section 26, *for* "one of its Secretaries," and in section 28, *for* "one of the Secretaries to such Government," *read* "his Secretary." In section 55, *for* "any Judge of a High Court," *read* "the Court of the Judicial Commissioner." In section 66, *for* "such district," *read* "the Hyderabad Assigned Districts." In section 68, *for* "the High Court or any Judge thereof," *read* "the Court of the Judicial Commissioner." In section 130, *for* the last fifty-two words, *read* "the Court of the Judicial Commissioner, in which case the word	Included in the list of Acts appended to Notification No 3550, dated 22nd September, 1884, set out opposite Act XIII of 1875, above.

B.—British-Berar Enactments—continued.

I.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
		(i).—*Acts of the Governor General in Council*—continued.			
1882	VI —*contd.*	Companies.		"Court" shall mean the Court of the Judicial Commissioner. In section 171, *for* "the High Court" and "a High Court," *read* "the Court of the Judicial Commissioner." In section 254, *for* "High Court," *read* "Resident."	
"	VIII	Penal Code Amendment.	The whole Act, except in section 11 the words "and it shall come into force on the 1st day of January, 1883."	In sections 9 and 11 *for* "British India," *read* "the Hyderabad Assigned Districts."	Included in the list of Acts appended to Notification No. 3516, dated 22nd September, 1884, set out opposite Act XIII of 1875, above.
"	IX	Prisoners' Act Amendment.	The whole Act ...	In sections 1 and 2, for British India *read* "the Hyderabad Assigned Districts," and in section 2 *for* "Local Government" in both places in which those words occur, *read* "Resident at Hyderabad."	*No. 3359 I., dated the 17th September, 1886.*—The Governor General in Council is pleased to extend the Prisoners' Act Amendment Act, IX of 1882, to the Hyderabad Assigned Districts, with effect from 1st January, 1883, subject to the following modifications:— (See preceding column.) [See *Gazette of India*, 18th September, 1886, Part I, page 526.]
"	X	Criminal Procedure Code.	Ditto ...	.....	*No. 1494 I., dated the 21st December, 1882.*—The Governor General in Council is pleased to extend the provisions of Act X of 1882 (the Code of Criminal Procedure) to the Hyderabad Assigned Districts, with effect from the 1st January, 1883. [See *Gazette of India*, 23rd December, 1882, Part—I, page 523.]
"	XIV	Civil Procedure Code.	The whole Act, except section 185.	(1) In section 1, the third paragraph of section 3, and section 99A, *for* the words and figures "first day of June, 1882," *read*	*No. 1099 I., dated the 3rd May 1883.*—[t supersession of Foreign Department Notification No. 112J., dated the 19th July, 1878, the Govern-

B.—British-Berar Enactments—continued.

I.—Local Laws made by, or with the sanction of, the Governor General in Council—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.

(i)—*Acts of the Governor General in Council*—continued.

1882	XIV —*contd.*	Civil Procedure Code.		the words and figures "first day of June, 1883." (2) In the fourth paragraph of section 3, *for* the words "twenty-ninth day of July," *read* the words "tenth day of October." (3) In section 4, *after* "the Central Provinces Courts' Act, 1865," *insert* "or the Rules regarding the grades and jurisdiction of the Courts of Civil Judicature *and** the Hyderabad Assigned Districts, published with Notification† by the Government of India, Foreign Department, No. 156, dated the 30th September, 1870." (4) *For* section 37, *read* the following section :— "The recognised agents of parties, by whom such appearances, applications and acts may be made or done, shall be such persons as the Resident may, from time to time, by notification in the official Gazette, declare in this behalf." (5) To section 100, *add* the following words :— "In cases falling under clause (*a*) of this section, the Court may, in its discretion, instead of proceeding *ex parte*, issue a warrant to arrest and detain the defendant till another day appointed for the hearing of the case, and, further, may attach his property." (7) *Add* the following proviso to section 182 :— "Provided that any Officer who has passed the examination in the Native	or General in Council is pleased to extend the provisions of Act XIV of 1882 (the Code of Civil Procedure) to the Hyderabad Assigned Districts, with effect from the first day of June, 1883, to the extent, and subject to the modifications, hereinafter contained :— (See two preceding columns.) [See *Gazette of India*, 5th May, 1883, Part I, page 200.] *No. 2166 I., dated the 12th June, 1884.*—In modification of Foreign Department Notification (Judicial) No. 10991., dated the 3rd May, 1883, extending the Code of Civil Procedure (Act XIV of 1882) to the Hyderabad Assigned Districts, the Governor General in Council is pleased to cancel paragraphs 6 and 7 of the said Notification and to substitute for paragraph 7 the following :— (See preceding column.) [See *Gazette of India*, 14th June, 1884, Part I, page 228.]

* *Qu.* Read "in."
† This Notification is set out in Appendix B. page 106.

B.—British-Berar Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
			(i).—*Acts of the Governor General in Council*—continued.		
1882	XIV —*contd.*	Civil Procedure Code.		languages prescribed for Assistant Commissioners exercising special powers may record the evidence of witnesses in English only." (9) *Add* the following proviso to section 206:— "Provided also that no ancestral property in land shall be sold in execution of a decree without the sanction of the Resident, and that no self-acquired property in land shall be so sold without the sanction of the Commissioner." (10) In clause (*b*) of section 295, *omit* the word "is," where it first occurs. (11) In section 484, *for* the word "sum," where it last occurs, *read* the word "same." (12) In clause (9) of section 588, *for* the word "or" *read* the word "for." (13) In section 619, *after* the word "Registrar" *add* the words "or other officer of the Court." (14) *For* section 622, *read* the following section:— "When any decree or order from which no appeal lies, or no appeal other than that provided by Chapter XLII, is passed by any Court subordinate to the Court of the Resident,— (*a*) the Deputy Commissioner, where such decree or order is passed by a Náib Tahsíldár, a Tahsíldár, or an Assistant Commissioner of the 2nd or 3rd class, (*b*) the Judicial Commissioner, where such decree	

B.—British-Berar Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

(i).—*Acts of the Governor General in Council*—continued.

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
1882	XIV —*contd.*	Civil Procedure Code.		or order is passed by an Assistant Commissioner of the 1st class, or a Deputy Commissioner, and (c) the Resident, where such decree or order is passed by the Judicial Commissioner, may, at his discretion, call for the record of the case, and pass such order thereon as he may think fit." (15) *For* the words "High Court," *read* the words "the Court of the Resident at Hyderabad"; but, in all chapters and sections extending to Mufassal Courts of Small Causes, whenever such chapters or sections are read with reference to such Courts, *for* the words "High Court" *read* the words "the Court of the Judicial Commissioner of the Hyderabad Assigned Districts." (16) *For* the words "British India" and "Local Government," wherever they occur, *read* the words "Hyderabad Assigned Districts" and "Resident at Hyderabad," respectively.	
1883	XIX	Land Improvement Loans.	The whole Act, except sections 1 (2) and 2 (1).	.....	*No. 4129 I., dated the 23rd December, 1885.*—The Governor General in Council is pleased to direct that the Land Improvement Loans Act, 1883, with the exception of section 1, sub-section (2), and section 2, sub-section (1), shall come into force in the Hyderabad Assigned Districts on the first of January, 1886, and that on and from that day the Land Improvement Act, 1871, shall cease

B.—British-Berar Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
			(i).—*Acts of the Governor General in Council*—concluded.		
1883	XIX —*contd.*	Land Improvement Loans.			to be in force therein except as regards the recovery of advances made on or before the thirty-first of December, 1885, and interest due on, and costs incurred by the Government in respect of those advances. [See *Gazette of India*, 26th December 1885, Part I, page 685.]
1884	III	Criminal Procedure Code Amendment.	The whole Act, so far as it does not already apply.	.....	*No. 2910I., dated the 18th August, 1885.*—The Governor General in Council is pleased to extend Act III of 1884 (An Act to amend the Code of Criminal Procedure, 1882) to the Hyderabad Assigned Districts, in so far as the Act does not already apply to those districts under section 8 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879). [See *Gazette of India*, 22nd August 1885, Part I, page 498.]
"	IV	Explosives.	The whole, so far as it may be applicable, and with the exception of sections 3, 11 and 15, sub-section (2) of section 6, and sub-section 3 of section 9.	(*a*) In section 1, sub-section (2), for the words "whole of British India" the words "Hyderabad Assigned Districts" shall be read. (*b*) In section 2, sub-section (1), for the words "on such day as the Governor General in Council, by Notification in the *Gazette of India*, appoints" the words "on the first day of January 1888" shall be read. (*c*) In section 4, sub-section (6), for the words "British India by sea or land" the words "the Hyderabad Assigned Districts" shall be read. (*d*) For the first thirty-six words of section (5), sub-	*No. 4742I., dated the 4th November, 1887.*—The Governor General in Council is pleased to extend to the Hyderabad Assigned Districts the provisions, so far as they may be applicable, of the Indian Explosives Act, IV of 1884, subject to the following modifications, namely :— (See two preceding columns.) [See *Gazette of India*, 5th November, 1887, Part I, page 607.]

B.—British-Berar Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
			(ii).—*Acts of the Governor General in Council*—continued.		
1884	IV —*contd.*	Explosives.		section (1), the words "The Resident at Hyderabad, with the previous sanction of the Governor General in Council, may," shall be read. (e) In section 7, sub-section (1), for the words "Governor General in Council or the Local Government," and in section 9, sub-section (1), for the words "Local Government," the words "Resident at Hyderabad" shall be read. (f) For section 18, sub-section (5), the following shall be read, namely :— "(5) A rule made under this Act shall not take effect until it has been published in the Hyderabad Residency Orders." (g) In section (8), sub-section (6), for the word "Gazette," the words "Hyderabad Residency Orders" shall be read. (h) The following shall be omitted :— In section 18 the words "or port," "ship" and or "conservator of the port," (see also preceding column in the previous page).	
1885	XIII	Telegraph .	The whole Act .	(1). In section 1, *for* the second and third sub-sections, *read* "and it extends to the Hyderabad Assigned Districts." (2). In sections 4 and 20, for "British India," *read* "the Hyderabad Assigned Districts," (3). In sub-section (1) of section 5 and in section 20 *for* "a Local Government." and in sections 15 and 33, *for* "the Local Government," *read* "the Resident at Hyderabad."	*No. 4116I., dated the 16th October, 1888.*—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to extend the Indian Telegraph Act, XIII of 1885, to the Hyderabad Assigned Districts, subject to the following modifications, namely, &c. (See preceding column.)

BENGAL SECRETARIAT LIBRARY.

B.—British-Berar Enactments—continued.

1.—Local Laws made by, or with the sanction of, the Governor General in Council—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
			(i).—*Acts of the Governor General in Council*—continued.		
1885	XIII —*contd.*	Telegraph .		(4). In sub-section (2) of section 6, *for* "or to the Local Government," *read* "or the Secretary to the Resident at Hyderabad;" and (5). In sub-section (*1*) of section 33, *for* "as it thinks fit" *read* "as he thinks fit."	[See *Gazette of India*, 20th October, 1888, Part I, page 473.]
„	XV	Local Authorities Loans Act Amendment.	The whole Act	.....	See Notification No. 3143I., dated 2nd September 1886, set out opposite to Act XI of 1879, above.
1886	IV	*Contract Act Amendment.	The whole Act, so far as it may be applicable.	.....	*No. 4586I., dated 21st November, 1888.*—Whereas the Governor-General in Council has power and jurisdiction within the Hyderabad Assigned Districts; In exercise of such power and jurisdiction, and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to extend the provisions, so far as they may be applicable, of the following enactments to the Hyderabad Assigned Districts, namely:— (Here follows a list of the Acts, including Act IV of 1886.) [See *Gazette of India*, 24th November, 1888, Part I, page 529.]
„	VII	Registration Act Amendment.	The whole Act, so far as it may be applicable, except sub-sections (*1*) and (*3*) of section 3 and section 6.	.....	Included in the list of Acts appended to the preceding Notification.

* This Act was also extended to Berar by Notification No. 3821I., dated 25th September, 1888, which has not been expressly superseded.

B.—British-Berar Enactments—continued.

1.—Local Laws made by, or with the sanction of, the Governor General in Council—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
			(i).—*Acts of the Governor General in Council*—concluded.		
1886	X	Criminal Procedure Code Amendment, &c.	The whole Act, except sections 3, 4 and 20 and so much of section 12 as enacts the new section 475A of the Code of Criminal Procedure, 1882.	(1). *For* "the Local Government," "that Government" and "a Local Government," wherever those words occur, *read* "the Resident at Hyderabad." (2). In section 23, *for* "British India," wherever these words occur, *read* "the Hyderbad Assigned Districts." (3). In section 25, *for* "within the territories subject to the same Local Government," wherever those words occur, *read* "in the Hyderabad Assigned Districts." (4). In the last clause of section 25 *omit* the word "other."	*No. 2422I., dated the 16th July, 1886.*—The Governor General in Council is pleased to extend Act X of 1886 (*An Act to amend the Code of Criminal Procedure, 1882, and certain other Acts*) with the exception of sections 3, 4 and 20, and so much of section 12 as enacts the new section 475A, of the Code of Criminal Procedure, 1882, to the Hyderabad Assigned Districts, subject to the following modifications, namely:— (See preceding column.) [See *Gazette of India*, dated 17th July, 1886, Part I, page 422.]
1887	VIII	Military Courts of Requests.	The whole Act, so far as it may be applicable.	.....	Included in the list of Acts appended to Notification No. 4586 I., dated 21st November, 1888, set out opposite Act IV of 1886, above.
1888	VI	Debtors Act	The whole Act, so far as it may be applicable, except sections 9 and 10.	.....	Ditto.
"	VII	Civil Procedure Code Amendment.	The whole Act, so far as it may be applicable, except section 17.	.....	Ditto.
			(ii).—*Acts of the Governor of Bombay in Council.*		
1865	I	*Survey and Demarcation of Lands.	Sections 2, 10 to 14 (both inclusive), 16 to 20 (both inclusive), 46 and 47.	*For* "Governor in Council" *read* "Resident at Hyderabad," and *for* "Presidency of Bombay" *read* "Hyderabad Assigned Districts."	Included in the list of Acts appended to Notification No. 212, dated 24th October, 1873, set out opposite Act XIX of 1841, above.

* The whole of this Act, save sections 37 and 38, has been repealed in Bombay by Bombay Act V of 1879.

B.—British-Berar Enactments—continued.

I.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year	No.	Subject.	Extent of application.	Modifications.	Notification.
		(ii).—*Acts of the Governor of Bombay in Council*—continued.			
1865	I	Survey and Demarcation of Lands.	Section 35	*For* "Governor in Council" *read* "Resident at Hyderabad."	*No. 49J., dated the 7th March, 1879.*—With reference to Notification No. 212J., dated 24th October, 1873, the Governor General in Council is pleased to extend the provisions of section 35 of Act I of 1865 of the Bombay Presidency (Survey, demarcation, &c., of lands) to the Hyderabad Assigned Districts, with the following modification :— (See preceding column.) [See *Gazette of India*, 8th March, 1879, Part I, page 149.]
1868	IV	*Survey and Settlement.	Sections 16, 17, 19 and 20.	.....	*No. 99R., dated the 17th October, 1877.*—His Excellency the Governor General in Council is pleased to extend the provisions of sections 16, 17, 19 and 20 of Bombay Act IV of 1868 to the Hyderabad Assigned Districts. [*See Gazette of India*, 20th October, 1877, Part I, page 605.]
1879	V	Bombay Land Revenue Code.	Sections 188 to 192 (inclusive)	.....	*No. 4402J., dated the 22nd December, 1886.*—The Governor General in Council is pleased to extend sections 188 to 192 (inclusive) of Act V of 1879, The Bombay Land Revenue Code, 1879, to the Hyderabad Assigned Districts. [See *Gazette of India*, 25th December, 1886, Part I, page 736.]
1887	III	Boiler Inspection.	The whole, except sections 2, 30 and 33.	(1) In section 1, paragraph 2, *omit* the words from "in the city" in the first line to "shall deem fit" at the end of the paragraph. (2) See preceding column. (3) For the words "the	*No. 175J., dated the 13th January, 1888.*—The Governor General in Council is pleased to extend Bombay Act III of 1887 (the Bombay Boiler Inspection Act, 1887) to the Hyderabad Assigned Districts, subject to the follow-

* The whole of this Act has been repealed in Bombay by Bombay Act V of 1879.

B.—British-Berar Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(*a*) Enactments of the British-Indian Legislatures locally extended—*concluded.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
		(ii).—*Acts of the Governor of Bombay in Council*—concluded.			
1887	III —*contd.*	Boiler Inspection.		Governor in Council" and "Government" wherever these words occur in the Act, *read* "the Resident at Hyderabad," and for the word "Collector," wherever it occurs, *read* "Deputy Commissioner." (4) In section 7, *omit* the words from "if such boiler" in paragraph 1, line 6, to "the owner shall," in line 2, paragraph 3. (5) In section 11, *omit* the words from "within four days" to "Bombay and"—and for the words "its receipt, if the boiler be situated elsewhere," *substitute* the words "the receipt of the same." (6) In section 15, for the words any Residency Magistrate in the city of Bombay, or by the Collector elsewhere" and "Presidency Magistrate or Collector," *substitute* the words "the Deputy Commissioner" and "Deputy Commissioner," respectively. (7) In section 18, for the words "a Secretary to Government" at the end of the paragraph, *substitute* the words "the Secretary for Berar to the Resident." (8) In section 19, paragraph 1, the word "other" shall be omitted. (9) In section 28, *omit* the words from "in the city" to "elsewhere." (10) In the concluding paragraph of section 31, for the words "Bombay Government Gazette," *substitute* the words "Residency Orders."	ing modifications, namely :— (See two preceding columns.) [See *Gazette of India*, 14th January 1888, Part I, page 18.]

B.—British-Berar Enactments—continued.

I.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(b) Special Local Laws.

When made.	Subject.	Notification or other authority.	Remarks.
1856	Rules regarding Treasure Trove . .	Resident's Book Circular XXV of 1881, dated 14th September, 1881.	These Rules are set out in Appendix B.
1859	Birar Inam Rules	Government of India letter No. 6679, dated 25th November, 1859.	Republished in Resident's Book Circular No. 37 of 1879. They are set out in Appendix B.
1866	Birar Sub-tenancy Rules	Government of India letter No. 407, dated 10th December, 1866; see also Secretary of State's Despatch No. 23, dated 16th March, 1867.	They are set out in Appendix B.
1877	Alterations in above Rules . . .	Government of India letter No. 971t, dated 17th October, 1877.	
1865	Birar Settlement Rules . . .	Despatch from Secretary of State, No. 23, dated 10th April, 1867, to the Government of India.	These rules are published in Resident's Book Circular No. LXXXI of 1879. They are set out in Appendix B.
1877	New Rule substituted for No. XIX of the above-mentioned Rules.	.....	Ditto.
1870	Rules regarding the grades and jurisdiction of the Courts of Civil Judicature in the Hyderabad Assigned Districts, and the periods for appeals from the decisions of those Courts.	No. 156J., dated 30th September, 1870. [*Gazette of India*, 1st October, 1879, Part I, page 658.]	This Notification is set out in Appendix B.
1874	Above-mentioned Rules modified . .	No. 640G., dated 20th March, 1874. [*Gazette of India*, 21st March, 1874, Part I, page 150.]	Ditto.
1871	Forest Rules	*No. 530, dated the 25th October, 1871.* [See *Gazette of India*, 28th October, 1871, Part I, page 840.]	These rules are not set out, as they will be repealed by the Berar Forest Law, 1886, from the date on which it comes into force. [See section 2 of that Law at page 143 below.]

B.—British-Berar Enactments—continued.

I.—Local Laws made by, or with the sanction of, the Governor General in Council—*contd.*

(b) Special Local Laws—*continued*.

When made.	Subject.	Notification or other authority.	Remarks.
1878	Alteration in Part XII of above	No. 45, dated 4th June, 1878. [*See Hyderabad Residency Orders*, dated 15th June, 1878, page 309.]	These rules are not set out, as they will be repealed by the Berar Forest Law, 1886, from the date on which it comes into force. [See sec. 2 of that Law at page 143, below.]
1873	Abkári Rules	Letter from the Government of India, Financial Department, to the Resident, No. 3541, dated 10th October, 1873.	These rules are set out in Appendix B. They have been amended by the rules framed under the Opium Act, I of 1878, noted in List 2 (b), on page 73.
1875	Above-mentioned Rules modified	Resident's Notification No. 109, dated 11th January, 1875. [*See Hyderabad Residency Orders*, dated 20th January, 1875, page 29.]	This alteration was sanctioned by Government of India letter No. 7279, dated 23rd December, 1884. It is incorporated in the Rules set out in appendix B.
"	*Rules as to the levy of certain Cesses	No. 11, dated 27th January, 1875. [*See Gazette of India*, 30th January, 1875, Part I, page 54.]	These Rules are set out in Appendix B.
1876	Declaring Rules 41 to 47, both inclusive, of the Inland Customs Rules published under Notification No. 156,† dated 30th June, 1876, of the Department of Revenue, Agriculture and Commerce to be in force in the Hyderabad Assigned Districts with certain modifications.	No. 41 R., dated 11th May, 1877. [*See Gazette of India*, 12th May, 1877, Part I, page 243.]	
1878	Abolishing the appointment of Railway Magistrate in Berar, and directing that all cases occurring on the Railway may be tried by any European Magistrate having jurisdiction outside the Railway fences.	No. 191, dated the 23rd December 1878. [*See Hyderabad Residency Orders*, 2nd January, 1879, Part I, page 3.]	This notification is set out in Appendix B.

* So much of these Rules as relate to the Town Fund has been superseded by the Rules regarding the levy of that Fund published in Notification No. 55, dated 10th April, 1884—See Appendix B, page 139.

† See *Gazette of India*, 1st July, 1876, Part I, pp. 227 and 230.

B.—British-Berar Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(b) Special Local Laws—*continued.*

When made.	Subject.	Notification or other authority.	Remarks.
1879	Rules with regard to the arrest of persons registered in British India under the Criminal Tribes Act (XXVII of 1871) and found in the Hyderabad Assigned Districts.	No. 289 L. J., dated 29th August, 1879. [*See Gazette of India*, 30th August, 1879, page 584.]	These Rules are set out in Appendix B.
"	Cancelling the latter part of Notification No. 191, dated 23rd December, 1878, and amending it.	No. 277, dated 26th March, 1879. [See *Hyderabad Residency Orders*, 1st April, 1879, Pt. I, p. 144.]	This Notification is set out in Appendix B.
1881	Rules for the disposal, &c., of unclaimed and *La-warus* property.	Government of India letter No. 1551 J., dated 6th July, 1881.	These rules were published in Resident's Judicial Book Circular No. XI of 1881. They are set out in Appendix B.
1882	Rules regarding the levy of the Jaglia and Local Cess in the Hyderabad Assigned Districts.	Government of India letter No. 477 I., dated 23rd February, 1883.	These rules were published in Resident's Book Circular No. 34, dated 30th August, 1882. They are set out in Appendix B.
1883	Rules regulating Legal Practitioners in the Court of the Resident at Hyderabad and in the Courts subordinate to it.	Government of India letter No. 386 J., dated February, 1883.	These Rules are set out in Appendix B.
1884	Alterations in No. 10 of the Rules regulating Legal Practitioners, dated February, 1883.	No. 177, dated 2nd September, 1884.	These alterations were sanctioned by Government of India letter No. 3545, dated 18th September, 1884. They have been incorporated in the original Rules which are set out in Appendix B.
1885	Aditional Rule (23a.)	No. 35, dated 10th October, 1885, sanctioned by Government of India letter No. 3482 I., dated 4th October, 1885.	It has been incorporated in the above —see Appendix B.
1884	Rules as to the levy of the Town Fund Assessment (in modification of the Rules as to levy of certain cesses).	No. 52, dated 10th April, 1884.	These Rules are set out in Appendix B.

B.—British-Berar Enactments—continued.

I.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(b) Special Local Laws—*continued.*

When made.	Subject.	Notification or other authority.	Remarks.
1886	Modifying above Rules . . .	No. 47, dated 30th April, 1886.	This modification has been incorporated in the above Rules—see Appendix B.
1884	Recognizing the Nagpur Lunatic Asylum as a place for the custody of lunatics from the Hyderabad Assigned Districts.	*No. 171, dated the 27th August, 1884.*—With the approval of the Governor General in Council, the Resident is pleased to direct that, for the purposes of sections 4, 6 and 8 of Act XXXVI of 1858, section 31 of Act V of 1871, and sections 466 and 471 of Act X of 1882, the Lunatic Asylum at Nágpur, in the Central Provinces, shall be deemed to be an asylum established by the Local Government of the Hyderabad Assigned Districts for the custody of all lunatics ordered to be detained in the lunatic asylum by the Judges and Magistrates, and the Local Government, in those districts. [See *Hyderabad Residency Orders*, dated 1st September, 1884, page 114.]	
"	Repealing certain Acts . . .	No. 3507 I., dated 22nd September, 1884. [See *Gazette of India*, 27th September, 1884, Part I, page 337.]	This Notification is set out in Appendix B.
"	Rules about the constitution and pay of the Jaglia force in Berar.	Government of India letter No. 3062 I., dated 11th December, 1883.	These Rules were published in Resident's Book Circular No. 1, dated 7th January, 1884. They are set out in Appendix B.
"	Rules regulating the admission of Pleaders and authorized Agents in Revenue cases.	Government of India letter No. 1403 J., dated 19th April, 1884.	These Rules are set out in Appendix B.

B.—British-Berar Enactments—continued.

1.—Local Laws made by, or with the sanction of, the Governor General in Council—*concld.*

(b) Special Local Laws—*concluded.*

When made.	Subject.	Notification or other authority	Remarks.
1884	Rules regarding the levy of process-fees by Revenue-officers.	No. 121, dated 17th June, 1884. Government of India letter No. 860R, dated 23rd May, 1884.	These Rules are set out in Appendix B.
1885	Cancelling Notification No. 212, dated 24th October, 1873 (*see List on page 36*), in so far as it declared Act XXII of 1864 (Cantonments) to apply to the Hyderabad Assigned Districts.	No. 1798I., dated 3rd June, 1885, clause (*b*). [*See Gazette of India*, 3rd June 1885, Part I, page 325.]	This Notification is set out in Appendix B.
,,	The Berar Rural Boards Law, 1885 .	No. 3585I., dated 22nd October, 1885.	This Law is set out in Appendix B.
1886	The Berar Patels and Patwaris Law .	No 10I., dated 1st January, 1886.	Ditto.
,,	New sub-section to section 8 of the above Law.	No. 2161I., dated 24th June 1886.	See above Law in Appendix B.
,,	Exempting the jagir villages of Akoli and Belgaon from the operation of clause 2 of Rule 19 of the Berar Settlement Rules.	No. 940I., dated 18th March, 1886.	This Notification is set out in Appendix B.
,,	The Berar Forest Law . . .	No. 3760I., dated 22nd October, 1886.	This Law is set out in Appendix B.
,,	The Berar Municipal Law . . .	No. 3938I., dated 5th November, 1886.	Ditto.
1888	Declaring that certain Notifications under the Court-fees Act are and have been in force in the Hyderabad Assigned Districts.	No. 1926I., dated the 18th May, 1888.	This Notification is set out in List 2 (a) on page 70.
,,	Declaring that certain Notifications under the Stamp Act are and have been in force in the Hyderabad Assigned Districts.	No. 1927I., dated 18th May, 1888, and No. 1928I., dated 18th May, 1888.	Ditto, page 81. Ditto, page 84.

B.—British-Berar Enactments—continued.

2.—LOCAL RULES AND NOTIFICATIONS—

(a) made under Enactments of the British-Indian Legislatures locally extended.

Year.	No.	Subject of Act.	Section.	Subject of Rules or Notification.	No. and date of Notification, and where published.
1858	XXXVI	Lunatic Asylums	2	Rules for the management of Lunatic Asylums in the Hyderabad Assigned Districts.	[Supplement to *Hyderabad Residency Orders*, 2nd April, 1877.]
„	„	Ditto	„	Appointing, with reference to the above Rules, the Sanitary Commissioner of the Districts to be an *ex-officio* visitor of the Lunatic Asylum at Amraoti.	No. 146, dated the 8th February, 1878. [*Hyderabad Residency Orders*, 15th February, 1878, page 83.]
1860	XXI	Arms . . .	14	Authorising District Superintendents of Police in the Hyderabad Assigned Districts, for the time being, to inspect the books of licensed manufacturers or dealers in Arms, &c.	No. 1971G., dated 18th September, 1874. [*Hyderabad Residency Orders*, 5th October, 1874, page 547.]
1861	V	Police . .	34	Declaring the provisions of the section to be applicable to the town of Nandura, in the Malkapur Taluq of the Buldana District.	No. 11, dated 22nd January, 1884. [*Hyderabad Residency Orders*, 1st February, 1884, Part I, page 15.]
„	„	Ditto	„	Extending the provisions of the section to the town of Chandur, in the Ellichpur District.	No. 108, dated 6th June, 1884. [*Hyderabad Residency Orders*, 16th June, 1884, Part I, page 82.] [See also Notification No. 5618, dated 17th October, 1867, in *Gazette of India*, 19th October, 1867, page 1436.]
„	„	Ditto . . .	„	Declaring the provisions of the section applicable to the town of Daryapur, Ellichpur District.	No. 560, dated 4th September 1868. [*Hyderabad Residency Orders*, 5th October, 1868, page 532.]
„	„	Ditto . . .	„	Declaring the provisions of the section applicable to the town of Badnera, in the Amraoti District.	No. 722, dated 18th December, 1868. [*Gazette of India*, 19th December, 1868, page 1832.]
„	„	Ditto . . .	„	Declaring the provisions of the section applicable to the town of Shegaon, in the Akola District.	No. 122, dated 16th February, 1870. [*Gazette of India*, 19th February, 1870, Part I, page 127.]

B.—British-Berar Enactments—continued.

2.—LOCAL RULES AND NOTIFICATIONS—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Rules or Notification.	No. and date of Notification, and where published.
1861	V	Police . .	34	Declaring the provisions of the section applicable to the towns of Anjangaon and Sourjee, in the Ellichpur District.	No 250, dated 26th April, 1871. [*Hyderabad Residency Orders*, 5th May, 1871.]
"	"	Ditto . . .	"	Declaring the provisions of the section applicable to the town of Risod, in the Basim District.	No. 113, dated 18th April, 1873. [*Hyderabad Residency Orders*, 21st April, 1873, page 205.]
"	"	Ditto . . .	"	Declaring the provisions of the section applicable to the town of Digras, in the Wun District.	No. 58, dated 13th July, 1880. [*Hyderabad Residency Orders*, 15th July, 1880, page 160.]
"	"	Ditto . .	"	Declaring the provisions of the section applicable to the village of Mubarakpur near Murtazapur, in the Amraoti District.	No. 69, dated 28th July, 1880. [*Hyderabad Residency Orders*, 2nd August, 1880, page 188.]
"	"	Ditto . . .	"	Declaring the provisions of the section applicable to the town of Deulgaon Raja, in the Chikli taluq of the Buldana District, during the fair and to the site of the fair.	No. 115, dated 6th October, 1880. [*Hyderabad Residency Orders*, 15th October, 1880, page 289.] No. 117, dated 15th September, 1881. [*Hyderabad Residency Orders*, 15th September, 1881, Part I, page 200.]
"	"	Ditto . .	"	Declaring the provisions of the section applicable to the same town within certain limits other than those specified in Notification No. 117, dated 15th September, 1881, and so as not to affect that Notification.	No. 47, dated 28th March, 1883. [*Hyderabad Residency Orders*, 2nd April, 1883, Part I, page 43.]
	"	Ditto . . .	"	Declaring the provisions of the section applicable to the town of Warud in the Morsi taluq of the Amraoti District.	No. 126, dated 27th October, 1880. [*Hyderabad Residency Orders*, 1st November, 1880, page 308.]

B.—British-Berar Enactments—continued.

2.—Local Rules and Notifications—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Rules or Notification.	No. and date of Notification, and where published.
1865	XI	Mufassal Courts of Small Causes.	3	Constituting a Court of Small Causes at Akola, and declaring the territorial limits of its jurisdiction to be the limits of the Akola taluq.	No. 200, dated 25th September, 1873. [*Gazette of India*, 27th September, 1873, Part I, page 852.]
,,	,,	Ditto . . .	,,	Territorial jurisdiction of the Judge of the Small Cause Court at Akola.	No. 73, dated 25th June, 1879. No. 70, dated 5th April, 1884. [*Hyderabad Residency Orders*, dated 15th April, 1884, page 52.]
,,	,,	Ditto . . .	,,	Extending the territorial limits of the jurisdiction of the Small Cause Court at Akola.	No. 11, dated 15th April, 1874. [*Hyderabad Residency Orders*, 30th April, 1874, page 217.]
,,	,,	Ditto* . . .	,,	Constituting a Court of Small Causes at Amraoti.	No. 33, dated 12th February, 1867, *Gazette of India*, page 174.
,,	,,	Ditto . . .	,,	Extending the territorial limits of the jurisdiction of the Small Cause Court at Amraoti.	No. 54, dated 14th April, 1885. [*Hyderabad Residency Orders*, 15th April, 1885, Part I, page 52.]
,,	,,	Ditto . . .	,,	Modifying the above Notification.	No. 203, dated 21st October, 1887. [*Hyderabad Residency Orders*, 1st November, 1887, Part I, page 138.]
,,	,,	Ditto . . .	,,	Constituting a Small Cause Court at Ellichpur.	No. 211, dated 30th October, 1867. [*Gazette of India*, 2nd November, 1867, page 1500.]
,,	,,	Ditto . . .	,,	Constituting a Small Cause Court in the town of Khamgaon.	No. 223, dated 12th August, 1868. [*Hyderabad Residency Orders*, 5th September, 1868, page 494.]
,,	,,	Ditto . . .	,,	Extending the territorial limits of the jurisdiction of the Small Cause Court at Khamgaon.	No. 12, dated 15th April, 1874. [*Hyderabad Residency Orders*, 20th April, 1874, page 218.]

* The Act was declared applicable to these Districts and a Judge appointed to the Small Cause Court at Amraoti by this Notification. So far as the extension of the Act is concerned, the Notification has been superseded by Notification No. 213, dated 24th October, 1873—*See* pages 31 and 36.

B.—British-Berar Enactments—continued.

2.—Local Rules and Notifications—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year	No.	Subject of Act.	Section.	Subject of Rules or Notification.	No and date of Notification, and where published.
1867	XXV	Printing Presses and Books.	20	Rules by the Resident for carrying out the objects of the Act.	Dated 30th July, 1879. Book Circular No. XLVII of 1879.
"	"	Ditto . . .	21	Notification exempting from the operation of the Act all papers published under Government orders.	No. 1294, dated 12th March, 1868. *Gazette of India*, 14th March, 1868, page 374. [Introduced into the Hyderabad Assigned Districts by Government of India letter No. 19-1304, dated 12th March, 1868.]
"	"	Ditto . . .	"	Exempting all books that become the property of Government for educational purposes from the operation of section 18.	No. 4823, dated 21st October, 1869. [*Hyderabad Residency Orders*, 20th November, 1869, page 485.]
"	"	Ditto . . .	"	Exempting certain publications from the provisions of the Act.	No. 5604, dated 21st December, 1871. [*Hyderabad Residency Orders*, 20th January, 1872, page 32.]
1869	XV	Prisoners' Testimony.	10 & 18	Rules for giving effect to the provisions of the Act in the Hyderabad Assigned Districts.	No. 1814, dated 15th December, 1869. [*Gazette of India*, 18th December, 1869, page 530.]
1870	VII	Court-fees . .	20	Process Service Rules .	No. 59, dated 2nd April, 1886. [*Hyderabad Residency Orders*, 15th April, 1886, Part I, page 47.]
"	"	Ditto . .	26	Rules regarding the use of bi-colour and adhesive stamps for Court-fee purposes.	No. 1756, dated 8th March, 1872. [*Hyderabad Residency Orders*, 20th April, 1872, page 229.]
"	"	Ditto . .	26 & 35	Levy of Court-fees by adhesive and impressed stamps.	No. 361, dated 18th April, 1883. [*Gazette of India*, 28th April, 1883, Part I, page 199.]
"	"	Ditto . .	"	Directing that the preceding Notification shall take effect in the Hyderabad Assigned Districts on and after the 1st July, 1884.	No. 216, dated 11th April, 1884. [*Gazette of India*, 12th April, 1884, Part I, page 147.]

B.—British-Berar Enactments—continued.

2.—Local Rules and Notifications—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Rules or Notification.	No. and date of Notification, and where published.
1870	VII	Court-fees . .	27	*Adopting for the Hyderabad Assigned Districts the Rules attached to the Resolution by the Government of India, Financial Department, No. 1596, dated 28th June, 1886, regarding the custody, supply and sale of stamps of all descriptions, so far as they relate to General and Court-fee stamps.	No. 71, dated 20th April, 1887. [*Hyderabad Residency Orders*, 2nd May, 1887, Supplement, page 81.]
,,	,,	Ditto . .	26	Declaring the manner in which the court-fee payable under section 19E. on probates and letters of administration may be denoted.	No. 1522,[a] dated 20th March, 1885. (*Gazette of India*, 21st March, 1885, Part I, page 213.) [Included in the Schedule attached to Notification No. 1926I., dated 18th May, 1888, below.]
,,	,,	Ditto . .	27	Rules regarding vendors of Court-fee stamps, regarding the manner of denoting, regarding the renewal of damaged stamps and the keeping of accounts of all stamps.	No. 72, dated 20th April, 1887. [*Hyderabad Residency Orders*, 2nd May, 1887, Supplement, page 86.] No. 107, dated 15th June, 1887. [*Hyderabad Residency Orders*, 15th June, 1887, Part I, page 71.]
,,	,,	Ditto . .	,,	Additional Rule, No. XVIII A, added to the above.	No. 58, dated 21st April, 1888. [*Hyderabad Residency Orders*, 1st May, 1888, Part I, page 57.]
,,	,,	Ditto . .	27	Appointment of tahsildárs, excepting those at District Head-quarters, as *ex-officio* vendors of Court-fee stamps.	Book Circular No. XXX of 1877.
,,	,,	Ditto . .	35	Remitting fees payable on bonds and other instruments executed by salaried officers of Government to secure the due performance of their duties.	No. 47,[a] dated 6th January, 1871. (*Gazette of India*, 7th January, 1871, Part I, page 4.) [Included in the Schedule attached to Notification No. 1926I., dated 18th May, 1888, below.]

* This Notification was also issued in part under section 55 of Act I of 1879—*See* page 83.

B.—British-Berar Enactments—continued.

2.—Local Rules and Notifications—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Rules or Notification.	No. and date of Notification, and where published.
1870	VII —*contd.*	Court-fees . .	35	Remitting fees payable under Schedule I, Article 11 of the Act on probates or letters of administration relating to trust property.	No. 2004,[a] dated the 14th July, 1871. (*Gazette of India*, 15th July, 1871, Part I, page 525.) [Included in the Schedule attached to Notification No. 1926I., dated 18th May, 1888, below.]
,,	,,	Ditto . .	,,	Directing that the provisions of the above Notification shall have retrospective effect from the 1st April, 1870.	No. 2135,[a] dated 22nd March, 1872. *Gazette of India*, 23rd March, 1872, Part I, page 311. [Included in the Schedule attached to Notification No. 1926I., dated 18th May, 1888, below.]
,,	,,	Ditto . .	,,	Remitting the fees chargeable on applications in writing relating exclusively to purchase of salt, the property of Government.	No. 1293,[a] dated 20th February, 1872. (*Gazette of India*, 21st February, 1874, Part I, page 116.) [Included in the Schedule attached to Notification No. 1926I., dated 18th May, 1888, below.]
,,	,,	Ditto . .	,,	Remitting the whole of the fees payable in respect of the copy of a certificate by which the right, title and interest in immoveable property sold in execution of a decree by a Civil Court are transferred to the purchaser, when filed with the records of the Court by which it was granted.	No. 3906,[a] dated 24th October, 1873. (*Gazette of India*, 25th October, 1873, Part I, p. 918.) [Included in the Schedule attached to Notification No. 1926I., dated 18th May, 1888, below.]
,,	,,	Ditto . .	,,	Remitting the fees chargeable on applications for refund of the amount paid to Government for stamped paper which has become spoiled or unfit for use or is no longer required for use and on applications for renewal of such paper.	No. 3816,[a] dated 19th December, 1873. *Gazette of India*, 20th December, 1873, Part I, p. 1019. [Included in the Schedule attached to Notification No. 1926I., dated 18th May, 1888, below.]

B.—British-Berar Enactments—continued.

2.—Local Rules and Notifications—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Rules or Notification.	No. and date of Notification, and where published.
1870	VII —*contd.*	Court-fees . .	35	Reduction and remission of fees on the grant of probate or letters of administration in certain cases.	No. 2623,[a] dated 24th April, 1874. (*Gazette of India*, 25th April, 1874, Part I, page 264.) [Included in the Schedule attached to Notification No. 1926I., dated 18th May, 1888, below.]
,,	,,	Ditto . .	,,	Directing refund of the value of the stamps on plaints rejected on account of technical error in form.	No. 2768,[a] dated 30th April, 1874. (*Gazette of India*, 2nd May, 1874, Part I, page 273.) [Included in the Schedule to Notification No. 1926I., dated 18th May, 1888, below.]
,,	,,	Ditto . .	,,	Remitting fees chargeable on copies of village settlement records and lists of fields, &c.	No. 4193,[a] dated 3rd July, 1874. (*Gazette of India*, 4th July, 1874, Part I, page 369.) [Included in the Schedule to Notification No. 1926I., dated 18th May, 1888, below.]
,,	,,	Ditto . .	,,	Remitting fee chargeable on any fresh certificate that may have been granted under Act XL of 1858 or Act XX of 1864 for the same estate.	No. 855,[a] dated 5th February, 1875. (*Gazette of India*, 6th February, 1875, Part I, page 62.) [Included in the Schedule attached to Notification No. 1926I., dated 18th May, 1888, below.]
,,	,,	Ditto . .	,,	Remitting fees chargeable on copies of all documents furnished to any Government advocate or pleader or other person especially empowered in that behalf for the purpose of conducting any trial or investigation on behalf of Government in any Criminal Court on copies of all documents which any such person is required to take for the use of any Court or Magistrate for the purpose of advising the Government in	No. 2041,[a] dated 20th July, 1877. (*Gazette of India*, 21st July, 1877, Part I, page 382. [Included in the Schedule attached to Notification No. 1926I., dated 18th May, 1888, below].

B.—British-Berar Enactments—continued.

2.—Local Rules and Notifications—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Rules or Notification.	No. and date of Notification, and where published.
1870	VII —*contd.*	Court-fees . .	35	any criminal proceeding and copies of judgments and depositions required by officers of the Police Department conducting appeals on behalf of Government.	
,,	,,	Ditto . .	,,	Declaring that the fee chargeable on plaints filed in suits for possession of immoveable property under section 9 of the Specific Relief Act, I of 1877, shall be half of that prescribed for plaints in Art. I of Schedule I of the Court Fees Act.	No. 2127,[a] dated 27th July, 1877. (*Gazette of India*, 28th July, 1877, Part I, page 409.) [Included in the Schedule attached to Notification No. 1926I., dated 18th May, 1883, below.]
,,	,,	Ditto . .	,,	Declaring the fee payable on appeals from certain orders issued by Civil Courts under section 244 of the Civil Procedure Code.	No. 3967,[a] dated 22nd November, 1879. (*Gazette of India*, 22nd November, 1879, Part I, page 747.) [Included in the Schedule attached to Notification No. 1926I., dated 18th May, 1883, below.]
,,	,,	Ditto . .	,,	Remitting fees chargeable on security bonds for keeping of the peace by, or good behaviour of, persons other than the executants.	No. 1431,[a] dated 27th March, 1880. (*Gazette of India*, 27th March, 1880, page 223.) [Included in the Schedule attached to Notification No. 1926I., dated 18th May, 1883, below.]
,,	,,	Ditto . .	,,	Remitting Court-fees payable under clauses 6, 7 and 9 of schedule I of the Act on copies furnished by Civil and Criminal Courts for private use of persons applying for them, but not on such copies when filed, exhibited or recorded in any Court of Justice, or received by any public officer.	No. 1361,[a] dated 24th June, 1881. (*Gazette of India*, 25th June, 1881, Part I, page 264.) [Included in the Schedule attached to Notification No. 1926I., dated 18th May, 1883, below.]
,,	,,	Ditto . .	,,	Remitting fees payable under clause (*a*), para. 4,	No. 849,[a] dated 16th February, 1883.

B.—British-Berar Enactments—continued.

2.—LOCAL RULES AND NOTIFICATIONS—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd*.

Year.	No.	Subject of Act.	Section.	Subject of Rules or Notification.	No. and date of Notification, and where published.
1870	VII —*contd*.	Court-fees . .	35	and clause (*b*), para. 2, of Article I, Schedule II of the Act on applications for the payment of deposits not exceeding Rs. 25 when such applications are made within three months of the date when the deposit first became payable.	(*Gazette of India*, 17th February, 1883, Part I, page 122.) [Included in the Schedule attached to Notification No. 1926I., dated 18th May, 1888, below.]
,,	,,	Ditto . .	,,	Declaring that the fee payable on the institution of a suit for a fractional share of the portion of an estate not permanently settled, but separately assessed to revenue, shall not exceed five times the amount of such revenue ratably payable on that share.	No. 690,[a] dated the 1st February, 1884. (*Gazette of India*, 2nd February, 1884, Part I, page 32.) [Included in the Schedule attached to Notification No. 1926I., dated 18th May, 1888, below.]
,,	,,	Ditto . .	,,	Remitting the fees payable under clauses 6, 7 and 9 of Schedule I of the Act on copies furnished by Revenue Courts and offices for the private use of persons applying for them, but not on such copies when filed, exhibited and recorded in any Court of Justice or received by any public officer.	No. 3319,[a] dated 9th September, 1884. (*Gazette of India*, 13th September, 1884, Part I, page 326.) [Included in the Schedule attached to Notification No. 1926I., dated 18th May, 1888, below.]
,,	,,	Ditto . .	,,	Remitting fees chargeable on applications for leave to occupy settlement land under Government direct when such applications are made by persons who do not already hold such land.	No. 3626,[a] dated 23rd September, 1884. (*Gazette of India*, 27th September, 1884, Part I, page 343.) [Included in the Schedule attached to Notification No. 1926I., dated 18th May, 1888, below.]
,,	.	Ditto . .	,,	Remitting fees payable on applications for loans under the Agriculturists Loans Act, XII of 1884.	No. 241,[a] dated 15th January, 1885. (*Gazette of India*, 17th January, 1885, Part I, page 116.) [Included in the Schedule attached to Notification No. 1926I., dated 18th May, 1888, below.]

B.—British-Berar Enactments—continued.

2.—Local Rules and Notifications—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Rules or Notification.	No. and date of Notification, and where published.
1870	VII —*contd.*	Court-fees . .	35	Remitting fees chargeable on applications for return of impounded documents.	No. 1196,[a] dated 6th March, 1885. (*Gazette of India*, 7th March, 1885, Part I, page 197.) [Included in the Schedule attached to Notification No. 1926I., dated 18th May, 1888, below.]
,,	,,	Ditto . .	,,	Remitting fees payable on applications for loans under the Land Improvement Loans Act, 1883.	No. 1138,[a] dated 29th May, 1885. (*Gazette of India*, 30th May, 1885, Part I, page 319.) [Included in the Schedule attached to Notification No. 1926I., dated the 18th May, 1888, below.]
,,	,,	Ditto . . .	,,	Remitting fees chargeable for copies of documents furnished to persons concerned in Criminal Cases.	No. 310,[a] dated 21st January, 1886. (*Gazette of India*, 23rd January, 1886, Part I, page 40.) [Included in the Schedule attached to Notification No. 1926I., dated 18th May, 1888, below.]
,,	,,	Ditto . .	,,	Limiting to one anna the fee payable on a petition under section 25 of Act II of 1886 to have an assessment reduced or cancelled.	No. 594,[a] dated 5th February, 1886. (*Gazette of India*, 6th February, 1886, Part I, page 73.) [Included in the Schedule attached to Notification No. 1926I., dated 18th May, 1888, below.]
,,	,,	Ditto . . .	,,	Limiting to one anna the fee payable on applications under Act II of 1886 with respect either to liability to assessment or to the amount of an assessment.	No. 1983,[a] dated 16th July, 1886. (*Gazette of India*, 17th July, 1886, Part I, page 423.) [Included in the Schedule attached to Notification No. 1926I., dated 18th May, 1888, below.]
,,	,,	Ditto . . .	,,	Limiting to one anna the fee payable on a copy of an order passed under	No. 4088,[a] dated 5th November, 1886. (*Gazette of India*, 6th Nov-

B.—British-Berar Enactments—continued.

2.—Local Rules and Notifications—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Rules or Notification.	No. and date of Notification, and where published.
1870	VII —*concld.*	Court-fees . .	35	section 26 of Act II of 1886.	ember, 1886, Part I, page 685.) [Included in the Schedule attached to Notification No. 1926I., dated 18th May, 1888, below.]
,,	,,	Ditto . . .	,,	Remitting fee payable on applications for return of document filed in any Court or public office.	No. 2111,[a] dated 22nd April, 1887. (*Gazette of India*, 23rd April, 1887, Part I, page 195.) [Included in the Schedule attached to Notification No. 1926I., dated 18th May, 1888, below.]
,,	,,	Ditto . .	26 & 35	Declaring that certain Notifications under the Court-fees Act are and have been in force in the Hyderabad Assigned Districts.	*No. 1926 I., dated the 18th May, 1888.*—In exercise of the powers conferred by sections 26 and 35 of the Court-fees Act, 1870, as applied to the Hyderabad Assigned Districts by Foreign Department Notification No. 212,* dated the 24th October, 1873, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that the provisions (so far as they may be applicable) of the Notifications of the Government of India which have been issued in the Department of Finance and Commerce under the Court-fees Act, 1870, and are specified in the first column of the Schedule hereto annexed, shall be deemed to apply, or to have applied, to the Hyderabad Assigned Districts from the dates specified opposite those Notifications, respectively, in the second column of that Schedule. (For Notifications included in the schedule see those in this list marked with the letter "a.") [See *Gazette of India*, 19th May, 1888, Part I, page 227.]

* *See* pages 33 and 26.

B.—British-Berar Enactments—continued.

2.—Local Rules and Notifications—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Rules or Notification.	No. and date of Notification, and where published.
1870	X	Land Acquisition .	59	Rules for the enforcement of the Act.	[*Hyderabad Residency Orders*, dated 20th February, 1871, page 64.]
„	„	Ditto . .	3 (5)	Constituting and declaring the Court of the Judicial Commissioner of the Hyderabad Assigned Districts to be the Court for the Berars for the purposes of the Act.	No. 76, dated 27th August, 1875. [*Hyderabad Residency Orders*, dated 6th September, 1875, page 516.]
1871	V	Prisoners . .	19	Declaring that the provisions of the Act apply to breaches of any of the provisions of the sections of the Indian Penal Code mentioned in Schedule II of Act XI of 1872.	No. 158, dated 12th August, 1872. [*Hyderabad Residency Orders*, dated 20th September, 1872, page 561.]
„	„	Ditto . .	*33	Appointing the Central Jail at Akola, with effect from the 1st January, 1883, to be a place to which prisoners sentenced in the Hyderabad Assigned Districts to transportation shall be sent.	No. 3360J., dated 17th September, 1886. [*Gazette of India*, 18th September, 1886, Part I, pages 526 and 527.]
„	XXIII	Pensions . .	14	Rules by the Resident respecting the payment of pensions.	Dated 1st March, 1878. Book Circular No. LI of 1878. [*Hyderabad Residency Orders*, 1878, page 121.]
„	„	Ditto . .	„	New rule to be substituted for No. II of the above-mentioned Rules.	Dated 24th August, 1880. Book Circular No. XLII of 1880.
1872	XV	Christian Marriage	62, 82 & 85	Prescribing rules under the Act and rates of fees to be levied under it, and declaring that the Judicial Commissioner, Hyderabad Assigned Districts, shall be the District Judge for the purposes of the Act.	No. 7, dated 17th April, 1877. [*Hyderabad Residency Orders*, 1st May, 1877, Part I, page 231.]
1875	VIII	†Inland Customs .	10 & 28	Rules and rates of duty .	No. 41R., dated 11th May, 1877. [*Gazette of India*, 12th May, 1877, Part I, page 243.]

* As amended by Act IX of 1882.
† This Act has been repealed in British India by Act XII of 1882.

B.—British-Berar Enactments—continued.

2.—Local Rules and Notifications—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Rules or Notification.	No. and date of Notification, and where published.
1877	III	Registration .	13 & 36	* Declaring every Revenue District to be a "district," and every Taluq to be a "Sub-District" for the purposes of the Act; fixing the remuneration of Sub-Registrars; and giving orders as to the reporting of appointments by the Inspector-General and the issuing of summonses under the Act.	No. 225, dated 15th September, 1871. *Hyderabad Residency Orders*, 20th September, 1871, page 509.
,,	,,	Ditto . . .	69	Revised Rules framed under the Act by the Inspector-General of Registration.	No. 190, dated 15th October, 1883; No. 55, dated 19th March, 1884; No. 160, dated 24th July, 1884; No. 244, dated 3rd December, 1884; No. 267, dated 18th December, 1884; and No. 7, dated 19th January, 1885. [*Hyderabad Residency Orders*, 15th October, 1883, page 137; *ibid*, 1st April, 1884, page 45; *ibid*, 1st August, 1884, page 105; *ibid*, 15th December, 1884, page 163; *ibid*, 3rd January, 1885, page 47; *ibid*, 2nd February, 1885, page 16, respectively.]
,,	,,	Ditto . . .	,,	Directing the addition of a Note to Appendix XV of the Registration Rules.	No. 223, dated 18th December, 1885. [*Hyderabad Residency Orders*, 4th January, 1886, Part I, page 3.]
,,	,,	Ditto . . .	,,	Amendment of Rules published with Notification No. 190, dated 15th October, 1883, Appendix XVII (*d*).	No. 137, dated 3rd July, 1886. [*Hyderabad Residency Orders*, 15th July, 1886, Part I, page 103.]
,,		Ditto . . .	,,	Amendment of Rule 43 of the Rules published with the Notification referred to in the preceding entry.	No. 43, dated 12th March, 1887. [*Hyderabad Residency Orders*, 15th March, 1887, Part I, page 30.]

* or

* The other Notifications forming sub-districts under the Act have been omitted as being not only too numerous and of very limited interest, but also because the districts so formed are being constantly enlarged, diminished, or otherwise altered.

B.—British-Berar Enactments—continued.

2.—LOCAL RULES AND NOTIFICATIONS—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Rules or Notification.	No. and date of Notification, and where published.
1877	III —*contd.*	Registration	69	Changing the date for the coming into force of the table of Registration Fees referred to above.	No. 163, dated 28th July, 1886. [*Hyderabad Residency Orders*, 2nd August, 1886, Part I, page 110.]
"	"	Ditto	78	Revised table of Registration Fees for the Hyderabad Assigned Districts.	No. 113, dated 1st June, 1886. [*Hyderabad Residency Orders*, 15th June, 1886, Part I, page 79.] Resident's Book Circular No. XIV of 1886.
"	"	Ditto	"	Correcting an error in Article XIV of the above Table.	No. 264, dated 30th November, 1886. [*Hyderabad Residency Orders*, 1st December, 1886, Part I, page 169.]
"	"	Ditto	"	Amendment of Article XV of the above Table.	No. 86, dated 2nd May, 1887. [*Hyderabad Residency Orders*, 15th May, 1887, Part I, page 58.]
"	"	Ditto	"	Making an addition to the Note under Art. XIV of the above Table.	No. 202, dated 21st October, 1887. [*Hyderabad Residency Orders*, 1st November, 1887, Part I, page 134.]
"	"	Ditto	"	Making an addition of certain words to Note (*a*), clause (6), Article I of the above Table.	Sanctioned by the Government of India in the letter from the Home Department, No. 3045 P., dated 28th November, 1888. [Published in *Hyderabad Residency Orders*, 15th December, 1888, Part I, page 188.]
1878	I	Opium	5 & 13	Rules for the Hyderabad Assigned Districts under the Act.	No. 114 A., dated 21st August, 1879. Book Circular No. LXVII of 1879.
"	"	Ditto	"	Modifications in the above-mentioned Rules.	No. 187, dated 2nd February, 1880. Resident's Book Circular No. IX of 1880.
"	"	Ditto	"	Revised rules substituted for No. XXV of the Rules under the Act.	Resident's Book Circular No. XXVIII of 1881.

B.—British-Berar Enactments—continued.

2.—Local Rules and Notifications—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Rules or Notification.	No. and date of Notification, and where published.
1878	I —*contd.*	Opium . .	5 & 13	New rule substituted for No. XXVI of the above Rules.	No. 18, dated 16th February, 1885. [*Hyderabad Residency Orders*, 2nd March, 1885, Part I, page 28.] Resident's Book Circular No. V of 1885.
,,	,,	Ditto . . .	6	Rate of duty on Malwa opium imported into the Hyderabad Assigned Districts.	No. 329*I.P.*, dated 27th March, 1880. [*Gazette of India*, 27th March, 1880, Part I, page 222.]
1879	,,	Stamps . .	8	† Directing that bills of exchange and cheques which may be drawn in British India, and on account of which the full rate of stamp-duty may have been paid there, shall be exempted from the further payment of stamp-duty on being negotiated in the Hyderabad Assigned Districts.	No. 114 I.J., dated 4th June, 1879—I * * * * * ‡ II—In exercise of the power conferred by Section eight of the said Act [*i.e., the Stamp Act, 1879*], the Governor General in Council is pleased to direct that bills of exchange and cheques drawn in British India, and on account of which the full rate of stamp duty may have been paid there shall be exempted from the further payment of stamp duty on being negotiated in the Hyderabad Assigned Districts. [*Gazette of India*, 7th June, 1879, Part I, page 394.]
,,	,,	Ditto . . .	,,	Remits the duty payable on receipts given by Mounted Police Constables for their pay and allowances.	No. 1174,[c] dated 13th March, 1880. (*Gazette of India*, 13th March, 1880, Part I, page 198.) [Included in the Schedule attached to Notification No. 1927I., dated 18th May, 1888, below.]
,,	,,	Ditto . . .	,,	Exempts from stamp duty receipts given by addressees for deposits exceeding Rs. 20, for payment of	No. 1410,[c] dated 27th March, 1880. (*Gazette of India*, 27th March, 1880, Part I, p. 223.)

† See, in connection with this exemption, the following Notification:—
No. 1491, dated the 18th June, 1879.—In exercise of the powers conferred by section 8 of the Indian Stamp Act, 1879, the Governor General in Council has remitted in the whole of British India the duty with which bills of exchange and cheques drawn in the Hyderabad Assigned Districts, on which the full rate of stamp-duty has been paid there, are chargeable under section 5, clause (*b*), of the said Act [*Gazette of India*, 14th June, 1879, Part I, p. 411.]

‡ Part I of this notification relates to the extension of the Stamp Act, I of 1879, to these Districts. It is set out on page 40.

B.—British-Berar Enactments—continued.

2.—Local Rules and Notifications—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Rules or Notification.	No. and date of Notification, and where published.
1879	I —*contd.*	Stamps . .		replies to Telegraphic Messages.	[Included in the Schedule attached to Notification No. 1927I., dated 18th May, 1888, below.]
,,	,,	Ditto . . .	8	Remits the duty payable on all Instruments in the nature of a Memorandum or Agreement furnished to, made, or entered into with, Executive Commissariat Officers with Contractors; and also all declarations or agreements by which a tender made to an Executive Commissariat Officer is accepted as a contract, when the deposit of such contractor as security for his contract is made in Government of India Loan Notes or in cash.	No. 444,[c] dated 8th May, 1880. (*Gazette of India*, 8th May, 1880, Part I, page 263.) [Included in the Schedule attached to Notification No. 1927I., dated 18th May, 1888, below.]
,,	,,	Ditto . . .	,,	Remits the whole of the duty, if any, payable on receipts endorsed by the payee on Postal Money Orders.	No. 731,[c] dated 22nd May, 1880. (*Gazette of India*, 22nd May, 1880, Part I, page 281.) [Included in the Schedule attached to Notification No. 1927I., dated 18th May, 1888, below.]
,,	,,	Ditto . . .	,,	Reduction of duty chargeable on an instrument of gift of shares in a company or association to the duty prescribed in Art. 60 (*a*), Schedule I, of the Act.	No. 1379,[c] dated 26th June, 1880. (*Gazette of India*, 26th June, 1880, Part I, page 335.) [Included in the Schedule attached to Notification No. 1927I., dated 18th May, 1888, below.]
,,	,,	Ditto . . .	,,	Exempts from stamp-duty agreements with Railway Companies or Administrations for the conveyance of goods and receipts given by such Companies or Administrations for fares for conveyance of passengers or goods, or both, or animals.	No. 2329,[c] dated 14th August, 1880. (*Gazette of India*, 14th August, 1880, Part I, page 400.) [Included in the Schedule attached to Notification No. 1927I., dated 18th May, 1888, below.]

B.—British-Berar Enactments—continued.

2.—Local Rules and Notifications—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Rules or Notification.	No. and date of Notification, and where published.
1879	I —*contd.*	Stamps . .	8	Exempts from stamp-duty receipts given for payment of interest on Government Promissory Notes.	No. 1163,[c] dated 12th March, 1881. (*Gazette of India*, 12th March, 1881, Part I, page 87.) [Included in the Schedule attached to Notification No. 1927I., dated 18th May, 1888, below.]
,,	,,	Ditto . . .	,,	Remits the stamp-duty chargeable on instruments executed by Government officers and their sureties, to secure the due accounting for property received by such officers by virtue of their office.	No. 2778,[c] dated 2nd September, 1881. (*Gazette of India*, 3rd September, 1881, Part I, page 365.) [Included in the Schedule attached to Notification No. 1927I., dated 18th May, 1888, below.]
,,	,,	Ditto . . .	,,	Exempts from duty all agreements with Railway Companies or Administrations which purport to limit their obligations or responsibilities as Carriers under the Indian Contract Act, 1872, ss. 151 and 161, and are in a form approved by the Governor General in Council under section 10 of the Indian Railway Act, 1879.	No. 3715,[c] dated the 13th November, 1880. (*Gazette of India*, 13th November, 1880, Part I, page 653.) [Included in the Schedule attached to Notification No. 1927I., dated 18th May, 1888, below.]
,,	,,	Ditto . . .	,,	Remits the duty payable on leases or counterparts executed at settlements made directly by Government with existing occupants of land, provided that no fine or premium is paid in consideration of such lease.	No. 2967,[c] dated 9th September, 1881. (*Gazette of India*, 10th September, 1881, Part I, page 373.) [Included in the Schedule attached to Notification No. 1927I., dated 18th May, 1888, below.]
,,	,,	Ditto . . .	,,	Remits duty on receipts given by, or on behalf of, depositors in Post Office Savings Banks for sums of money withdrawn from such Banks, in all cases in which, but for this exemption, such receipts would be liable to stamp-duty.	No. 4162,[c] dated 11th November, 1881. (*Gazette of India*, 12th November, 1881, Part I, page 568.) [Included in the Schedule attached to Notification No. 1927I., dated 18th May, 1888, below.]

B.—British-Berar Enactments—continued.

2.—Local Rules and Notifications—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Rules or Notification.	No. and date of Notification, and where published.
1879	I —*contd.*	Stamps . .	8	Remits duty payable on all agreement papers passed by Commissariat Contractors when their security deposits are transferred to a Savings Bank.	No. 329,[c] dated 14th April, 1882. (*Gazette of India*, 15th April, 1882, Part I, page 165.) [Included in the Schedule attached to Notification No. 1927I., dated 18th May, 1888, below.]
,,	,,	Ditto . . .	,,	Remits duty (if any) chargeable on copies of, or extracts from, baptismal, marriage or burial registers certified by Government chaplains, subsidised or unsubsidised clergymen, or Diocesan Registrars and granted to soldiers, sailors, non-commissioned and petty officers and needy persons.	No. 1603,[c] dated 9th June, 1882. (*Gazette of India*, 10th June, 1882, Part I, page 226.) [Included in the Schedule attached to Notification No. 1927I., dated 18th May, 1888, below.]
,,	,,	Ditto . . .	,,	Declares that the duty payable under Art. 22, Schedule I of the Act on copies or extracts certified to be true copies or extracts of baptismal, marriage and burial certificates shall be denoted by adhesive Court-fee labels.	No. 2036,[c] dated 30th June, 1882. (*Gazette of India*, 1st July, 1882, Part I, page 257.) [Included in the Schedule attached to Notification No. 1927-I., dated 18th May, 1888, below.]
,,	,,	Ditto . .	,,	Remits duty payable on all instruments in the nature of a memorandum or agreement furnished to, made, or entered into with, the Ordnance Department by contractors for the due performance of their contract.	No. 1150,[c] dated 30th May, 1883. (*Gazette of India*, 2nd June, 1883, Part I, page 241.) [Included in the Schedule attached to Notification No. 1927I., dated 18th May, 1888, below.]
,,	,,	Ditto . . .	,,	Directs that the duty payable on an instrument of partition of land held on settlement not exceeding 30 years, and paying full assessment to Government shall not exceed the amount payable on a valuation of the land at five times the annual revenue.	No. 1381,[c] dated 8th June, 1883. (*Gazette of India*, 9th June, 1883, Part I, page 249.) [Included in the Schedule attached to Notification No. 1927I., dated 18th May, 1888, below.]

B.—British-Berar Enactments—continued.

2.—Local Rules and Notifications—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Rules or Notification.	No. and date of Notification, and where published.
1879	I —*contd.*	Stamps . .	8	Remits the duty payable on receipts given by, or on behalf of, depositors in District Savings Banks, for sums of money withdrawn from such Banks, in all cases in which, but for this exemption, such receipts would be liable to stamp-duty.	No. 2796,[c] dated 24th August, 1883. (*Gazette of India*, 25th August, 1883, Part I, page 357.) [Included in the Schedule attached to Notification No. 1927I., dated 18th May, 1888, below.]
,,	,,	Ditto . . .	,,	Similarly remits duty payable on above receipts in the case of Presidency Sayings Banks or State Railway Savings Banks.	No. 3642,[c] dated 5th October, 1883. (*Gazette of India*, 6th October, 1883, Part I, page 402.) [Included in the Schedule attached to Notification No. 1927I., dated 18th May, 1888, below.]
,,	,,	Ditto . . .	,,	Exempts from stamp-duty policies of life insurance and contracts for monthly allowances granted by the Director General of the Post Office of India in accordance with the Rules for Postal Life Assurance and monthly allowances issued under the authority of the Government of India.	No. 123,[c] dated 4th April, 1884. (*Gazette of India*, 5th April, 1884, Part I, page 141.) [Included in the Schedule attached to Notification No. 1927I., dated the 18th May, 1888, below.]
,,	,,	Ditto . . .	,,	Remits duty payable on debenture bonds issued by a Joint Stock Company under the terms of a mortgage deed making over in whole, or in part, the property of the Company to trustees for the benefit of the debenture holders, and on interest coupons attached to those debentures.	No. 1946,[c] dated 4th December, 1884. (*Gazette of India*, 6th December, 1884, Part I, page 455.) [Included in the Schedule attached to Notification No. 1927I., dated the 18th May, 1888, below.]
,,	,,	Ditto . . .	,,	Remits the duties payable on instruments executed for securing the repayment of loans made, or to be made under the Agriculturists Loans Act, 1884.	No. 166,[c] dated 10th April, 1885. (*Gazette of India*, 11th April, 1885, Part I, page 236.) [Included in the Schedule attached to Notification No. 1927I., dated 18th May, 1888, below.]

B.—British-Berar Enactments—continued.

2.—Local Rules and Notifications—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Rules or Notification.	No. and date of Notification, and where published.
1879	I —*contd.*	Stamps . .	8	Remits duty payable on sanads of jagirs and other documents conveying lands granted to individuals by Government otherwise than for a pecuniary consideration.	No. 1206,[c] dated 3rd June, 1885. (*Gazette of India*, 6th June, 1885, Part I, page 326.) [Included in the Schedule attached to Notification No. 1927I., dated the 18th May, 1888, below.]
,,	,,	Ditto . . .	,,	Limits the duty chargeable on an instrument evidencing an agreement to secure the repayment of a loan made upon any mortgage of a crop, whether the crop is in existence or not, to that chargeable under clauses (*a*) or (*b*) of Art. 29, Schedule I of the Act, when the loan is repayable within the period specified in clause (*a*) or clause (*b*), as the case may be, of that article.	No. 1280,[c] dated 5th June, 1885. (*Gazette of India*, 6th June, 1885, Part I, page 326.) [Included in the Schedule attached to Notification No. 1927I., dated the 18th May, 1888, below.]
,,	,,	Ditto . . .	,,	Remits the duty payable on the letter which a person depositing money in a District Savings Bank or Post Office Savings Bank as security to the Government or local authority for the due execution of an office or for the fulfilment of a contract or for any other purpose, is required by the rules of such Banks to address to the Secretary of the District Savings Bank or Post Master in charge of the Post Office Savings Bank in regard to withdrawal of, and payment of interest on, money deposited; and defines local authority for purposes of Notification.	No. 3673,[c] dated 23rd October, 1885. (*Gazette of India*, 24th October, 1885, Part I, page 695.) [Included in the Schedule attached to Notification No. 1927I., dated the 18th May, 1888, below.]

B.—British-Berar Enactments—continued.

2.—LOCAL RULES AND NOTIFICATIONS—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Rule or Notification.	No. and date of Notification, and where published.
1879	I —*contd.*	Stamps . .	8	Limits the duty chargeable on a charter-party, notwithstanding anything contained therein as to payment of compensation in case of breach of contract evidenced thereby, to the amount chargeable under Art. 18, Schedule I of the Act.	No. 453,[c] dated 29th January, 1880. (*Gazette of India*, 30th January, 1880, Part I, page 57.) [Included in the Schedule attached to Notification No. 1027I., dated 18th May, 1888, below.]
,,	,,	Ditto . . .	,,	Remits prospectively and retrospectively the duty with which a deed of dower executed on the occasion of marriages between Muhammadans is chargeable.	No. 835,[c] dated 19th February, 1886. (*Gazette of India*, 20th February, 1886, Part I, page 88.) [Included in the Schedule attached to Notification No. 1027I., dated 18th May, 1888, below.]
,,	,,	Ditto . . .	,,	Reduction to a fixed duty of one rupee, of the duty payable on any re-insurance effected by an Insurance Company, which has granted a policy of insurance against loss by fire, with another Company by way of indemnity or guarantee against the payment on the original insurance of a certain part of the sum insured thereby.	No. 1044,[c] dated 5th March, 1886. (*Gazette of India*, 6th March, 1886, Part I, page 104.) [Included in the Schedule attached to Notification No. 1027I., dated 18th May, 1888, below.]
,,	,,	Ditto . . .	,,	Remits the duty payable on agreements executed under section 35 (1) of the Indian Emigration Act, 1883.	No. 1411,[c] dated 1st April, 1886. (*Gazette of India*, 3rd April, 1886, Part I, page 279.) [Included in the Schedule attached to Notification No. 1027I., dated 18th May, 1888, below.].
,,	,,	Ditto . . .	,,	Reduces to a fixed duty of one rupee the duty payable on any re-insurance effected by an Insurance Company, which has granted a policy of sea-insurance, with another	No. 513,[c] dated 1st February, 1887. (*Gazette of India*, 5th February, 1887, Part I, page 73.) [Included in the Schedule attached to Notification No.

B.—British-Berar Enactments—continued.

2.—LOCAL RULES AND NOTIFICATIONS—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Rules or Notification.	No. and date of Notification, and where published.
1879	I	Stamps. . .	8	Company by way of indemnity or guarantee against the payment on the original insurance of a certain part of the sum insured thereby.	1927I., dated 18th May, 1888, below.]
"	"	Ditto . . .	"	Remits the duty payable on Indemnity Bonds or agreements given to Railway authorities by consignees (when the railway receipt is not produced) for the delivery of articles carried at half parcels rates, *i. e.*, perishable articles.	No. 4741,* dated 3rd September, 1887. (*Gazette of India*, 10th September, 1887, Part I, page 458.) [Included in the Schedule attached to Notification No. 1927I., dated 18th May, 1888, below.]
"	"	Ditto . . .	"	Remits duty payable by private persons under section 29 (*f*) of the Act on instruments of exchange executed by them when lands are given by them for public purposes in exchange for other lands granted to them by Government.	No. 6501,* dated 8th December, 1887. (*Gazette of India*, 10th December, 1887, Part I, page 600.) [Included in the Schedule attached to Notification No. 1927I., dated 18th May, 1888, below.]
"	"	Ditto . . .	"	Declaring that certain Notifications under the Act are and have been in force in the Hyderabad Assigned Districts.	No. 1927I., dated 18th May, 1888.—In exercise of the powers conferred by section 8 of the Indian Stamp Act, 1879, as extended to the Hyderabad Assigned Districts by Foreign Department Notification No. 114 I-J.,* dated 4th June, 1879, and of all other powers enabling him in this behalf the Governor General in Council is pleased to direct that the provisions (so far as they may be applicable) of the notifications of the Government of India which have been issued in the Department of Finance and Commerce under the Indian Stamp Act, 1879, and are specified in the first column of the Schedule hereto annexed, shall be deemed to

* *See* page 80

B.—British-Berar Enactments—continued.

2.—LOCAL RULES AND NOTIFICATIONS—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Rules or Notification.	No. and date of Notification, and where published.
1879	1 —*contd.*	Stamps.			apply, or to have applied, to the Hyderabad Assigned Districts from the dates specified opposite those notifications respectively in the second column of that schedule. (For Notifications included in the schedule referred to above see those on this list marked with the letter "c.") [See *Gazette of India*, 19th May, 1888, Part I, page 229.]
"	"	Ditto . . .	9	Amendments in Rules 6 and 14 of the rules published under Notification No. 1288, dated 3rd March, 1882.	No. 2955,[b] dated 1st December, 1882. (*Gazette of India*, 2nd December, 1882, Part I, page 487.) [Included in the Schedule attached to Notification No. 1021I., dated 18th May, 1888, below.]
"	"	Ditto . . .	"	Adding a clause to Rule 5 of the rules published under Notification No. 1288, dated 3rd March, 1882, as to denoting the extra duty payable on an instrument of transfer of shares in a Company or Association written on impressed paper in consequence of the rise of the market value of such shares.	No. 1444,[b] dated 16th March, 1883. (*Gazette of India*, 17th March, 1883, Part I, page 159.) [Included in the Schedule attached to Notification No. 1021I., dated 18th May, 1888, below.]
"	"	Ditto . . .	"	Substituting a new Rule for clause (c) of Rule 5 of the Rules published under Notification No. 1288, dated 3rd March, 1882, providing that when a stamp paper is insufficient for an entire instrument so much plain paper may be used as is necessary to complete the instrument.	No. 3515,[b] dated 16th October, 1885. (*Gazette of India*, 17th October, 1885, Part I, page 685.) [Included in the Schedule attached to Notification No. 1021I., dated 18th May, 1888.]

B.—British-Berar Enactments—continued.

2.—Local Rules and Notifications—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Rules or Notification.	No. and date of Notification, and where published.
1879	I —*contd.*	Stamps . .	55	*Adopting for the Hyderabad Assigned Districts, the Rules attached to the Resolution by the Government of India, Financial Department, No. 1596, dated 28th June, 1886, regarding the custody, supply, and sale of stamps of all descriptions, so far as they relate to General and Court-fee stamps.	No. 71, dated 20th April, 1887. [*Hyderabad Residency Orders*, 2nd May, 1887, Supplement, page 81.]
,,	,,	Ditto . .	,,	Rules for regulating the supply and sale of stamps and stamped-papers, the persons by whom alone such sale is to be conducted, and the duties and remuneration of such persons.	No. 140, dated 23rd July, 1888. [*Hyderabad Residency Orders*, 1st August, 1888, Part I, page 115.]
,,	,,	Ditto . . .	,,	Amending Rule 12 of the above Rules.	Resident's Book Circular No. 1 of 1885.
,,	,,	Ditto . .	,,	Substituting a new rule for Rule 7 of the Rules published under Notification No. 1288, dated 3rd March, 1882, relating to the manner of denoting a duty of one anna on instruments chargeable with duty of that amount.	No. 434,[b] dated 28th January, 1886. (*Gazette of India*, 30th January, 1886, Part I, page 56.) [Included in the Schedule attached to Notification No. 1928 I., dated 18th May, 1888, below.]
,,	,,	Ditto . .	9 & 56	Making an addition of certain words to clause (*b*) of Rule 10 of the Rules published under Notification No. 1288, dated 3rd March, 1882.	No. 5700,[b] dated 26th October, 1887. (*Gazette of India*, 29th October, 1887, Part I, page 546.) [Included in the Schedule attached to Notification No. 1928 I., dated 29th October, 1888, below.]
,,	,,	Ditto . . .	9, 15, 17, 32, 51 & 56	Rules regarding the use of impressed stamps, labels and adhesive stamps and the affixing of such stamps and labels on, and for, in-	No. 1288,[b] dated 3rd March, 1882. (*Gazette of India*, 11th March, 1882, Part I, page 131.)

* This Notification was also issued in part under section 27 of Act VII of 1870, see p. 64.

B.—British-Berar Enactments—continued.

2.—Local Rules and Notifications—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Rules or Notification.	No. and date of Notification, and where published.
1879	I —*contd.*	Stamps . .		struments for which they may be used.	[Included in the Schedule attached to Notification No. 1928 I., dated 29th October, 1888, below.]
,,	,,	Ditto . . .	9, 15, 17, 32, 51 & 56	Declaring that certain Notifications under the Act are and have been in force in the Hyderabad Assigned Districts.	No. 1928I., dated 18th May, 1888. In exercise of the powers conferred by sections 9, 15, 17, 32, 51 and 56 of the Indian Stamp Act 1879, as extended to the Hyderabad Assigned Districts by Foreign Department Notification No.* 114 I.-J., dated the 14th June, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that the rules published under the notifications of the Government of India which have been issued in the Department of Finance and Commerce under the above quoted sections of the Indian Stamp Act, 1879, and are specified in the first column of the schedule hereto annexed, shall be deemed to apply, or to have applied, to the Hyderabad Assigned Districts, from the dates specified opposite them respectively in the second column of that schedule, subject to the following modifications, namely :— (1) for the words "British India," *read* "the Hyderabad Assigned Districts"; (2) in Rule 6 (*a*) (2), *omit* "or by the Superintendent of Stamps, Calcutta"; (3) in Rule 7, for the last ten words, and in Rule 9, for all the words *after* "namely," *substitute* "the Inspector General of Stamps, Hyderabad Assigned Districts"; (4) in Rule 10 (*b*), *for* "Local Government," *substitute*

* *See* page 40.

B.—British-Berar Enactments—continued.

2.—LOCAL RULES AND NOTIFICATIONS—

(*a*) made under Enactments of the British-Indian Legislatures locally extended—*concld.*

Year.	No.	Subject of Act	Section.	Subject of Rules or Notification.	No. and date of Notification, and where published.
1879	I —*concld.*	Stamps			"the Resident at Hyderabad"; (5) in Rule 11 (5), *omit* "unless he be Collector of Calcutta or Karachi"; and (6) in Rule 14, *omit* clause (*c*). (For Notifications included in the schedule referred to above, see those in this list marked with the letter "b") [*Gazette of India*, 19th May, 1888, Part I, page 229.]
"	III	Destruction of Records.	2	Rules for destruction of useless records and registers in Civil and Criminal Courts subordinate to the Resident's Court.	Government of India letter No. 1409, dated 24th October, 1881. Book Circular No. XV of 1881.
"	"	Ditto . . .	"	Addition of Rule (II)*a* to above Rules.	Resident's Book Circular No. XII of 1883.
"	IV	Railways . .	53	Declaring that the Resident at Hyderabad shall be deemed, for the purposes of the Act, to be the Local Government in respect of such portions of Railways as are situate within the Hyderabad Assigned Districts.	No. 192 I.J., dated 25th July, 1879. [*Gazette of India*, 26th July, 1879, Part I, page 509.]
1881	XV	Factories . .	18	General rules for the Hyderabad Assigned Districts under the Act.	No. 40, dated 29th February, 1884. [*Hyderabad Residency Orders*, 1st March, 1884, page 31.]
1882	VI	Companies .	Part V	Rules sanctioned by the Resident.	[*Hyderabad Residency Orders*, Supplement, 2nd February, 1885, page 11.]
"	X	Criminal Procedure Code.	7 (2)	Declaring the Jiti Police Out-post Circle to be part of the Akola District with effect from 1st April, 1887.	No. 38, dated 7th March, 1887. [*Hyderabad Residency Orders*, 15th March, 1887, Part I, page 29.]
"	"	Ditto . .	38	Transferring certain villages from the jurisdiction of the Magistrate of	No. 216, dated 30th December, 1882. [*Hyderabad Residency*

B.—British-Berar Enactments—continued.

2.—LOCAL RULES AND NOTIFICATIONS—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Rules or Notification.	No. and date of Notification, and where published.
1882	X —*contd.*	Criminal Procedure Code.		the Buldana District to that of the Magistrate of the Akola District.	*Orders*, 2nd January, 1883, page 2.]
"	"	Ditto . .	30	Villages referred to in the proceding notification included within the territorial limits of the jurisdiction of the Magistrate of Khamgaon Division of the Akola District.	No. 217, dated 30th December, 1882. [*Hyderabad Residency Orders*, 2nd January, 1883, Part I, page 2.]
"	"	Ditto . .	...	* Conferring powers on Magistrates.	Resident's Notification No. 20, dated 20th January, 1873, and subsequent Notifications in *Hyderabad Residency Orders*.
"	"	Ditto . .	41	* Cancelling so much of Notfication No 20, dated 20th January, 1873, and subsequent Notifications, as confer on any Magistrate any powers in excess of those which he exercises as Magistrate of the District or Magistrate of the 1st, 2nd or 3rd class, as the case may be.	No. 174, dated 9th December, 1881. [*Hyderabad Residency Orders*, 15th December, 1881, page 244.]
"	"	Ditto . .	37	* Conferring powers on Magistrates of Districts and on Magistrates of the 1st class.	No. 50, dated 23rd March, 1882. [*Hyderabad Residency Orders*, 1st April, 1882, page 51.]
"	"	Ditto . .	"	Conferring additional powers on Magistrates of the 1st, 2nd and 3rd classes.	No. 42, dated 1st March, 1884. [*Hyderabad Residency Orders*, 15th March, 1884, page 38.]
"	"	Ditto . .	68	Investing all clerks of Courts in the Deputy Commissioners' Courts, and the senior Karkun in Subordinate Magistrates' Courts, with power to sign summonses.	No. 154, dated 30th July, 1883, and No. 175, dated 9th September, 1883. [*Hyderabad Residency Orders*, 1st August, 1883, page 100; *ibid*, 15th September, 1883, page 114, respectively.

* These Notifications were issued under Act X of 1872. They are kept in force by section 2 of Act X of 1882.

B.—British-Berar Enactments—continued.

2.—Local Rules and Notifications—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Rules or Notification.	No. and date of Notification, and where published.
1882	X —*contd.*	Criminal Procedure Code.	357	Directing that in proceedings before Courts of Session, District Magistrates and Magistrates of the 1st and 2nd classes, the evidence of each witness shall, in the cases referred to in section 356, be taken down by the Judge or Magistrate with his own hand and in the English or Mahrati language.	No. 41, dated 1st March, 1884. [*Hyderabad Residency Orders*, 15th March, 1884, page 38.]
,,	,,	Ditto . .	399	Directing that the Juvenile Reformatory at Poona, in the Bombay Presidency, shall be deemed to be a Reformatory for the confinement of persons under the age of sixteen years sentenced to imprisonment in the Hyderabad Assigned Districts.	No. 1607, dated 6th December, 1883. [*Gazette of India*, 8th December, 1883, Part I, page 480.]
,,	,,	Ditto . .	422	Directing notice to be given of time and place for hearing appeals.	No. 43, dated 1st March, 1884. [*Hyderabad Residency Orders*, 15th March, 1884, page 38.]
,,	,,	Ditto . .	475B	Empowering officers in charge of Jails to discharge all the functions of the Inspector General of Jails under sections 472, 473 and 474, with respect to persons confined in those Jails under sections 466—471.	No. 189, dated 20th August, 1886. [*Hyderabad Residency Orders*, 1st September, 1886, Part I, page 121.]
,,	,,	Ditto . .	495	Prohibiting police officers below the rank of Chief Constable to conduct prosecutions.	No. 206, dated 21st September, 1886. [*Hyderabad Residency Orders*, 1st October, 1886, Part I, page 133.]
,,	,,	Ditto . .	544	Rules for regulating the payment of expenses of complainants and witnesses.	These rules were sanctioned by the Government of India's letter No. 1835, dated 6th November, 1873.

B.—British-Berar Enactments—continued.

2.—Local Rules and Notifications—

(a) made under Enactments of the British-Indian Legislatures locally extended—*concld.*

Year	No.	Subject of Act.	Section.	Subject of Rules or Notification.	No. and date of Notification, and where published.
1882	X —*concld.*	Criminal Procedure Code.	553	Prescribing certain forms for use in all the Sessions Courts.	* No. 183, dated 18th July, 1873. *Hyderabad Residency Orders*, 21st July, 1873, page 368.
,,	XIV	Civil Procedure Code.	10	Rules for the conduct of suits in which the Government may be a party.	Government of India (Home Department) letter No. 575, dated 4th May, 1869.
,,	,,	Ditto	37	† Declaring who are to be the recognized agents of parties by whom the appearances, applications and acts referred to in section 36 of the Code may be made and done in Civil Courts.	No. 89, dated 25th August, 1880. [*Hyderabad Residency Orders*, 1st September, 1880, pages 232 and 233.]
,,	,,	Ditto	140	† Documents produced by parties at the first hearing to be accompanied by an accurate list in form specified.	No. 91, dated 12th August, 1878. [*Hyderabad Residency Orders*, 15th August, 1878, page 412.]
,,	,,	Ditto	160	Scale of expenses for witnesses summoned to attend Civil Courts.	No. 235, dated 1st December, 1887. [*Hyderabad Residency Orders*, 15th December, 1887, page 571.]
,,	,,	Ditto	269	† Rules for the maintenance and custody of live-stock and other property while under attachment.	No. 87, dated 12th August, 1878. [*Hyderabad Residency Orders*, 15th August, 1878, page 410.]
,,	,,	Ditto	287	*Rules for the execution of decrees by the sale of property.	No. 93, dated 12th August, 1878. [*Hyderabad Residency Orders*, 15th August, 1878, page 413.]
,,	,,	Ditto	320 & 322	* Rules for the transmission of decrees to Deputy Commissioners, and for regulating the procedure of Deputy Commissioners and their Subordinates in executing the same, and for re-transmitting the	Judicial Book Circular No. XI of 1887.

* This Notification was issued under Act X of 1872. It is kept in force by section 2 of Act X of 1882.
† These Notifications and Rules, which were issued under Act X of 1877, are kept in force by section 3 of Act XIV of 1882. They were also renewed by Resident's Notification No. 137, dated 6th July, 1883—*See Hyderabad Residency Orders*, 16th July, 1883, Part I, page 93.

B.—British-Berar Enactments—continued.

2.—Local Rules and Notifications—

(a) made under Enactments of the British-Indian Legislatures locally extended—*concld.*

Year.	No.	Subject of Act.	Section.	Subject of Rules or Notification.	No. and date of Notification, and where published.
1882	XIV —*contd.*	Civil Procedure Code.		said decrees from the Deputy Commissioners to the Courts.	
,,	,,	Ditto	320 & 322	* Transmission to Deputy Commissioners of decrees directing sale of interest in land used for agricultural purposes.	No. 122, dated 19th September, 1878. [*Hyderabad Residency Orders*, 1st October, 1879, Part I, page 490.]
,,	,,	Ditto	336	* Directing Courts to inform judgment-debtors that they may apply under Chapter XX to be declared insolvent.	No. 88, dated 12th August, 1878. [*Hyderabad Residency Orders*, 15th August, 1878, page 411.]
,,	,,	Ditto	338	* Rules prescribing the scale of monthly allowances payable for the subsistence of judgment-debtors.	No. 89, dated 12th August, 1878. [*Hyderabad Residency Orders*, 15th August, 1878, page 411.]
,,	,,	Ditto	392	* Rule as to the issue of commissions for local investigations.	No. 90, dated 12th August, 1878. [*Hyderabad Residency Orders*, 15th August, 1878, page 411.]
,,	,,	Ditto	612	Rules regarding the admission of appeals to Her Majesty in Council.	Book Circular No. XVII of 1879.
1883	XIX	Land Improvement Loans.	10	Rules under the section	No 8, dated 9th January, 1886. [*Hyderabad Residency Orders*, Extraordinary, 9th January, 1886, page 1.]
,,	,,	Ditto	...	Table of instalments and interest thereon referred to in Rule 10 of the above Rules.	No. 43, dated 13th March, 1886. [*Hyderabad Residency Orders*, 15th March, 1886, Part I, page 33.]
1886	X	Criminal Procedure Amendment.	12, so far as it enacts section 475B of the Code.	Empowering officers in charge of Jails to discharge certain functions of the Inspector-General of Jails.	*See* page 86, entry under section 475B of the Code.
,,	,,	Ditto	13	Prosecutions by Police officers below the rank of constable.	*See* p. 87, entry under section 495 of the Code.

* These Notifications and Rules were issued under Act X of 1877. They are kept in force by section 3 of Act XIV of 1882. They were also renewed by Resident's Notification No. 137, dated 5th July, 1883—*See Hyderabad Residency Orders*, 16th July, 1883, Part I, page 93.

B.—British-Berar Enactments—concluded.

2.—Local Rules and Notifications—

(b) made under Special Local Laws.

Year.	Subject of Law.	Section.	Subject of Notification.	Notification.
1871	Berar Forest Rules.*	16	Rules regarding forest rights and privileges in the Southern Division.	Notification, dated 13th June, 1873. [See *Hyderabad Residency Orders*, 20th June, 1873, page 304.]
1885	Rural Boards Law.	34	Rules under the section . .	No. 40, dated 7th April, 1888. [See *Hyderabad Residency Orders*, 10th April, 1888, Supplement, page 9.]
,,	Ditto . .	,,	Substituting a new clause for clause (*f*), section CX of the above rules. .	No. 183, dated 11th September, 1888. [See *Hyderabad Residency Orders*, 15th September, 1888, Part I, page 145.]
,,	Ditto . .	...	Addition of a proviso to Rule III of the above Rules.	No. 191, dated 28th September, 1888. [See *Hyderabad Residency Orders*, 1st October, 1888, Part I, page 150.]
,,	Ditto . .	85	Law declared not to apply to Melghát Taluq, Ellichpur District.	No. 167, dated 23rd August, 1888. [See *Hyderabad Residency Orders*, 1st September, 1888, Part I, page 134.]
1886	Patels and Patwaris Law.	2	Rules under the section . .	No. 60, dated 14th April, 1886. [See *Hyderabad Residency Orders*, 15th April, 1886, Part I, page 49.]
,,	Ditto . .	...	Correction of a clerical error in Rule X of the above.	No. 82, dated 6th May, 1886. [See *Hyderabad Residency Orders*, 15th May, 1886, Part I, page 66.]
,,	Municipal Law .	5	Extending the provisions of the Law to the Municipalities of:—Amraoti Town, Akola Town, Khamgaon Town, Shegaon Town, Akot Town, Ellichpur Town and Basim Town.	No. 22, dated 10th February, 1887. [See *Hyderabad Residency Orders*, 15th February, 1887, Part I, page 17.]
,,	Ditto . .	...	Rules under the Law . .	No. 256, dated 19th December, 1888. [See *Hyderabad Residency Orders*, 19th December, 1888, Extraordinary, page 1.]

* The Notifications under rule 8 of these Rules relating to the formation of reserved forests have been omitted, as they are very numerous and of comparatively small importance.

APPENDIX A.

NOTIFICATION EXTENDING ACT III OF 1879 (DESTRUCTION OF RECORDS) TO THE DISTRICTS.

No. 227 I.J., dated the 15th August, 1879.—The Governor General in Council is pleased to extend Act No. III of 1879 (*An Act to authorise the Destruction of Useless Records*) to the Hyderabad Assigned Districts, subject to certain omissions and modifications which are requisite to adapt it to those districts. III of 1879.

The Act, as adapted to the Hyderabad Assigned Districts, is as follows:—

Preamble.

WHEREAS it is expedient to provide for the destruction or other disposal of useless records, books and papers in Courts and Revenue offices; It is hereby enacted as follows:—

Short title. Commencement.

1. This Act may be called "The Destruction of Records Act, 1879": and it shall come into force at once.

Power to Resident, Hyderabad, to make rules for disposal of records, &c.

2. The Resident at Hyderabad may, from time to time, make rules respecting the disposal, by destruction or otherwise, of such records, books and papers belonging to or being in the custody of his Court, or the Courts of civil and criminal jurisdiction subordinate thereto, as he may consider useless or unworthy of being permanently preserved.

Similar power to Resident, Hyderabad, with respect to documents in Revenue Courts and offices.

3. The Resident at Hyderabad may, from time to time, make rules respecting the disposal, by destruction or otherwise, of such records, books and papers belonging to or in the custody of the Revenue Courts and offices as he may consider useless or unworthy of being permanently preserved.

Rules when to have force of law.

4. All rules made under this Act shall, after being sanctioned by the Governor General in Council, be published in the local official Gazette, and shall thereupon have the force of law.

Validation of rules as to destruction of documents.

5. All rules and orders heretofore made by the Resident at Hyderabad for the destruction or other disposal of useless records, books and papers belonging to or in the custody of any Court or Revenue office shall be deemed to have had the force of law from the date on which they were made, and all such rules now in force shall continue to have the force of law until they are rescinded by rules made under this Act; and no suit or other proceedings shall be instituted, maintained or continued against any person for the disposal, by destruction or otherwise, of any records, books and papers in accordance with any such rules or with any order made by the Resident at Hyderabad.

Bar of suits.

Saving of documents kept under provision of law.

6. Nothing herein contained shall be deemed to authorize the destruction of any document which, under the provisions of any law for the time being in force, is to be kept and maintained.

[See *Gazette of India*, 16th August, 1879, Part I, p. 559.]

APPENDIX B.

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS.

Rules in regard to the discovery of hidden treasure and its disposal, dated 8th December, 1856.

Whenever any hidden treasure, consisting of gold and silver, coin or bullion, or of precious stones or other valuable property, may be found buried in the earth, or otherwise concealed within any part of the Hyderabad Assigned Territories, such hidden treasure shall become the property of the person or persons who may have found the same, provided it shall not in amount or value exceed one lakh of Company's rupees, and provided such person or persons shall have conformed to the following rules:—

1.—The party or parties finding the treasure shall give immediate notice thereof to the Deputy Commissioner or his Assistant.

2.—The finder shall at the same time deposit in the Court of the Deputy Commissioner, or his Assistant, the treasure with an exact inventory thereof.

3.—The Deputy Commissioner or his Assistant shall issue a public notification in the languages of the country, requiring all persons who may have a right to the treasure to attend in person or by vakeel, and prove their title thereto within six months from the date of the notice.

4.—In the event of any claim of right being preferred either on the part of individuals or Government the Deputy Commissioner shall institute a summary inquiry into the claim preferred, and if the claim be clearly established he shall adjudge the same accordingly, subject to re-imbursement of all expenses incurred by the finder, as well as such compensation for the discovery as may appear reasonable.

5.—If the value of the treasure shall exceed a lakh of Company's rupees, and no claim of right thereto be established, judgment shall be given in favour of the finder to the amount of one lakh of rupees, and the excess above that sum shall be declared at the disposal of Government.

6.—If any person discovering hidden treasures shall not, within one month after finding the same, give notice to the Deputy Commissioner or his Assistant in conformity with Rules 1 and 2, he shall be considered to have forfeited all right and title to the treasure, as well as all claim to re-imbursement of expense, compensation, or reward.

[See Resident's Book Circular No. XXV of 1881.]

Rules for the Settlement of Jagir and Inam Claims, whether in money or land, both personal and service, and for the maintenance of religious and charitable institutions in the Hyderabad Assigned Districts.

Rule I.

Validity of grants how established.

1. Land which is proved to have been held as Inam, either under a fixed quit-rent or rent free for a period of 40 years before the cession shall be treated as Inam possessed under a valid title.

2. All grants of land or money supported by sanads granted by Sovereign Powers, such as the Kings of Delhi, or Rulers of Satara, Scindia, Nagpur, and by the Nizam, as also the sanads of the Nizam's Ministers from time to time, with the exception of sanads granted by Maharajah Chundoo Lall from Fasli 1250-1840 to 1252-1842 inclusive, and of Rajah Ram Baksh* and Siraj-ul mulk† during their second ministries specially disallowed, shall be held to be valid when duly authenticated; but grants of land or money by Revenue Authorities of any degree shall, as a rule, be considered invalid, and such grants shall only be allowed under Rules in respect of possession as below specified.

3. If Inams are held under sanad or other title deed, the same to be examined. In the absence of such proof, entries in the village accounts, and the oral testimony on oath or solemn affirmation of the village authorities and old resident inhabitants should be accepted as proof. Uninterrupted possession must be proved, or the intermediate resumption of the Inam must be proved to have been unauthorized, or that the Inam was subsequently released under due authority,

* 13th September, 1849 to 7th October, 1850.
† 29th June, 1851 to 26th May, 1853.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Inam Rules—continued.

Rule II.

1. After the validity of the Inam has been proved, each case will be disposed of as hereinafter explained, according as it belongs to one of the following classes :—

Classification of Inams.

CLASS 1ST.—Personal Jagirs.

CLASS 2ND.—Grants or endowments to religious or charitable institutions, and for service therein.

CLASS 3RD.—Personal or subsistence grants.

CLASS 4TH.—Grants by former Governments for Service—

First.—As Parganuah service grants whether by money or land, whether now rendered, or partially rendered or discontinued.

Second.—As village service grants whether in money or land for service now performed in the Revenue or Police or discontinued.

CLASS 5TH.—Inams or huqs enjoyed by artisans and others for services rendered to the village communities, such as carpenters, blacksmiths, barbers, priests, dhers, &c.

Rule III.

1.—Personal Jagirs to be continued, subject to a legacy duty or succession fee graduated on a scale according to the degree of relationship of the heir, as follows :—

Conditions on which personal Jagirs are to be held.

Widows, lineal heirs, or undivided brothers, 2 per cent. on the real value of the property estimated at 10 years' annual rental.

Heirs by adoption	. . .	3 per cent.
Collateral heirs of one remove	.	5 „
Do. do. two removes	.	8 „

And further degrees of relationship disallowed except under special orders.

Rule IV.

1.—If the Inam was given for religious or charitable objects, such as for the support of temples, mosques, colleges, choultries, or other public buildings, or institutions, or for service therein, whether held in the names of the institutions, or of the persons rendering the service, it will be continued to the present holders and their successors, so long as the buildings or institutions are maintained in an efficient state, and the service continued to be performed according to the conditions of the grant.

Religious or charitable grants and endowments.

2.—Inams granted for the construction and repair of tanks, channels, drinking reservoirs, &c., will not be interfered with so long as the terms of the grant are fulfilled, and the works are kept in good order, but on failure of conditions are liable to resumption.

Rule V.

1.—If the Inam is a personal or subsistence grant, it will be confirmed to the holder according to its actual tenure, and the terms upon which an Inam liable to quit-rent, or terminable, may be converted into a freehold and made perpetual, are stated below.

Personal or subsistence grant.

2.—If the present incumbent is a descendant of the original grantee, the Inam will be continued to him hereditarily, subject to the following conditions :—

First.—Successions limited to direct lineal heirs and undivided brothers ;

Second.—The Inam escheats to Government on failure of such heirs ;

Third.—Future alienation of the Inam is prohibited ; and

Fourth.—The right of adoption to an Inam is not recognised.

3.—But an option will be given to the Inamdar to convert this restricted tenure into a freehold, with the full powers of alienation by gift, sale, adoption, or otherwise, by consenting to the payment of an annual quit-rent, calculated according to the following rates :—

First.—If the Inamdar is a youth, with reasonable prospect of having lineal heirs, an annual quit-rent, amounting to one-eighth of the estimated assessment of the land, will be considered a sufficient compromise for the right of reversion possessed by Government.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Inam Rules—continued.

Rule V—continued.

Second.—If the Inamdar have no lineal heirs, and from his advanced age no heirs could reasonably be expected, but if nevertheless he has terminable heirs, such as a wife without issue, or a widowed daughter without issue, in such case the quit-rent shall be equal to one-fourth of the estimated assessment.

Third.—If the Inamdar be not possessed of heirs of any kind, and from his age lineal heirs cannot be expected, the quit-rent of one-half of the assessment will be demanded.

4. But the above rates of compromise shall only apply to an immediate settlement, and it will be optional with Government to accept of any future offer on a similar basis.

5. If a present incumbent is not a descendant of the original grantee, but either in his own person, or in succession to others acquired the Inam fairly by adoption, or in alienation by gift, purchase, or otherwise, his claim being admitted, he will be allowed the benefits of Clause 2, Rule V, but without the option of refusal; and in commutation of the rights of Government, a quit-rent will be imposed on the Inam varying from one-eighth to one-half of the estimated assessment of the land according to his position in respect of heirs, as laid down in Clause 3 of that Rule.

6. As the rates on land have not been positively fixed, it will be competent for the Inam Commissioner, in communication with the Deputy Commissioner of the district, to fix a moderate rate on the land whether wet or dry, which shall bear a fair proportion to the rate assessed on the Government land of the same village or district.

7. After the amount of an annual quit-rent has been once fixed for the enfranchisement of each individual Inam, it will be open to the holder to redeem it outright by the payment at once, or at any future time, of a single fixed sum equal to 20 years' purchase of the quit-rent.

8. The quit-rent to be imposed under these Rules being in exchange for extended rights, will be exclusive of, and in addition to, any actual cess on such land already payable to Government, but the quit-rent will be calculated on the estimated assessment after deducting the cess previously payable.

9. Inams heretofore held on quit-rent or other cess will be redeemable by 20 years' purchase of the new and old rates.

10. Inams granted by subordinate Revenue authority without the sanction of Government, and which have not acquired the prescriptive right of uninterrupted possession for 40 years, shall be disposed as follows:—

First.—If the Inam was founded on fraud it will be resumed, and become liable to full assessment. But if the present incumbent was not a party to the fraud, and has had long possession, though within the prescribed term, he shall be allowed to retain the Inam, liable to an assessment equal to from one-half to two-thirds of the estimated rate.

Second.—It will rest with the Inam Commissioner, or Settlement Officer, or other investigating authority, to determine what is fraudulent possession.

Rule VI.

Service grants how to be limited, and the excess disposed of.

1. Grants by former Governments for services wholly or partially discontinued, either in the Military, Revenue, and Police Departments, shall be disposed of as follows:—

2. Inams granted in lieu of lands or money stipends, commonly called Huqs and Russums of offices, such as Deshmukh, Deshpandia, and others, the service of which has either been dispensed with, or otherwise discontinued, shall be disposed of according to Clause 2 of Rule V, if they are hereditary in their terms, either by express declaration of Government, or by recognized usage.

3. The maximum value of such grants, including every perquisite or profit, whether of land or money, or in kind, shall be limited to 5 per cent. on the gross land revenue for both Deshmukh and Deshpandia inclusive, and in such proportion as relates to the two classes, Deshmukhs and Deshpandias, as may have heretofore been enjoyed by each class respectively. But inasmuch as in many instances the service grants to these classes are not equal to 5 per cent., the Inam Commissioner, or Settlement Officer, has no power to increase the existing grants enjoyed by these parties.

4. It shall be optional with the Government to require the services of these classes as originally intended, or to dispense with them. If wholly dispensed with, the Inam shall nevertheless be confirmed to the holders as Inams subject to the payment of a quit-rent, not exceeding the highest rate above provided for personal Inam. This quit-rent will be charged in commutation both of the service thus discontinued, and of the reversionary interest possessed by Government in the Inam.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Inam Rules—continued.

Rule VI—continued.

5. The Government does not admit the right of adoption without special sanction. The rate and mode of commutation will be determined on a consideration of the nature of the service, and the circumstances attending it in each district.

6. If a quit-rent exists already in any form, the mode of calculating the additional charge will be the same provided for in Clause 8 of Rule V.

7. Inams held for village officers, for Revenue or Police, the duties of which are still required to be performed, will be continued to the holders of the office unless they have been commuted for money allowances out of the Revenue. Where those Inams or Huqs are excessive in comparison with the duties required, whether in regard to the number employed, as in the case of the village police, or to the amount of the Inam or Huq considered in relation to the work performed, and to the usage in the same or other districts, the excess above certain maximum for village servants to be fixed according to the Khundeish or other rules (*vide* margin) as may be determined upon and for Parganah servants as fixed by the Government letter No. 4255, dated the 5th November, 1858 (*vide* margin), shall be dealt with as above provided for, that is to say, will be charged with a quit-rent in commutation both of the service tenure attached to it, and for the reversionary interest of the Government in the Inam.

For Patels.		For Patwaris.	
For 200 Rupees	5 per cent.	For 1st 1,000 Rs.	5 per cent.
1st 1,000 "	2½ "	2nd 1,000 "	6 "
2nd 1,000 "	2 "	3rd 1,000 "	3 "
3rd 1,000 "	1½ "	4th 1,000 "	2 "
4th 1,000 "	1 "	5,000 and upwards	1 "
5,000 and upwards 8 As.			

* STATIONERY.

* Rule XVII, page 97, to be adopted as the principle of calculation for Chilkara Khurch and stationery—*vide* Commissioner's letter No. 816, dated 9th March, 1860, and its reply.

Directing that 5 per cent., as a rule, shall be fixed as a maximum for these two classes.

8. When the Inam attached to the office is wholly or partially in the enjoyment of members of the family who do not perform service, such portion of the alienated Inam as may be considered necessary for the efficient performance of the duties will be attached to the office holders, and the rest treated in the same manner as the excess referred to in the previous clause.

Rule VII.

1. Inams enjoyed by artisans and others for service rendered to the village communities will be treated as hereditary grants, and confirmed to the holders and their heirs, subject to the continued performance of the particular service for which they were granted; but where the service is no longer required, or the grant is in excess of the service rendered, the case shall be dealt with according to the Rules above prescribed for the imposition of Government quit-rent.

Inams held by artisans and others how to be treated.

Rule VIII.

1. The term Inam is to be understood as applying to all land whether in integral villages or lesser grants held entirely free of land-rent, or on a favourable quit-rent, and will all be disposed of under the above Rules. The claims of Maktadars also, although not strictly Inam, when existing for 60 years and upwards, shall be treated as Inam, and disposed of under similar Rules.

Explains the term Inam, &c.

Rule IX.

1. The settlement will be made with the head member of the family holding the office or enjoying the Inam, and who will be held alone responsible to Government, and in no case will the Government interfere to compel the actual incumbent of an office to make over any portion of his regulated service grant to other branches of the family, as service grants cannot be divided according to the orders of Government, but rights to land required by Parganah servants as Zemindars not as Government officials admit of division according to awards obtained in the regular Civil Courts. The Inam Commissioner or Settlement Officer ought to have nothing to do with such decision or divisions.

The head of the family the Inamdar.

Settlement to be made with whom, and other points settled.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Inam Rules—continued.

Rule IX—continued.

2. In many instances a single Pargannah is divided into turruffs or other divisions under different designations, and each of such divisions is held by a different Deshmukh and Deshpandia of the same family, and this division has taken place through many generations, in such cases it will be competent for the Inam Commissioner or Settlement Officer to deal with the head of each division. In like manner many large villages are divided into khails or dimmats, or under other designation, there being a separate patel or patwari to each of such divisions, and the rights of such village servants will be admitted separately, provided it is not found to be injurious to the public service, or to be attended with internal dissension or increased expense.

3. It will be the duty of the Inam Commissioner or Settlement Officer, in communication with the Deputy Commissioner, to ascertain and decide who is the true Wattandar Pargannah or village servant at the present time, and to enter the name of each incumbent in a register of each class, which register will hereafter be held to be proof of the holder's claim.

4. Should any actual incumbent Wattandar be unfit for service by reason of age, incapacity, or sex, it shall be competent for such Wattandar to name an efficient agent, with the sanction of the District Officer, and the same shall receive, during the time he discharges the duties, one-half of the profits of the Inam or allowance.

5. It shall be competent for Government hereafter to determine whether grants for Pargannah or village service shall be wholly commuted into land Inams, or wholly into percentage on the revenue payable in money, or partly by Inam, and partly by money. But whatever portion is given in rent-free or quit-rent land shall be subject to the Rules above specified.

Rule X.

Lands for service not in possession to be disallowed.

1. Whereas Deshmukhs, Deshpandias, Quanungoes, Patels, and Patwaris, sometimes produce old papers called "Mowazina," showing that large quantities of land were at distant periods held by their ancestors as Pargannah and village servants, but it is admitted that from time immemorial such land has neither been in the actual possession of present claimants, nor their forefathers, nor are they able to point out the boundaries of such pretended grants, nor to produce any actual proof of possession at any time either by tradition, or otherwise, it is considered that right to land not under cultivation at the time of the cession, and not known to have been under cultivation as Inam land for 10 or more years before the cession, shall be peremptorily disallowed, and at once be included in Government land.

Rule XI.

Abandoned Inams how to be dealt with.

1. When an Inam has to all intents and purposes been entirely abandoned, there being no acknowledged owner in existence, or if being in existence, he omits to come forward to claim it—and when the reputed possessor of an Inam fails after due notice to appear to prove his title, or refuses to produce his sanads or other documents—such Inam shall, in the first instance, be placed under attachment by the District Officer, and after the expiration of one year from the date of public notice be held to be liable to full assessment as Government land.

Rule XII.

Encroachments and excess of recorded rights how to be disposed of.

Encroachments or land in excess of the recorded extent, if proved to be of 40 years' standing, will be dealt with as if it formed part of the original Inam. When of less than 40 years' standing, the excess will be subjected to a quit-rent to be fixed according to the circumstances and term of possession, but not exceeding two-thirds of the assessment, except in the case of fraud of the actual holder, when the land will be resumed.

Rule XIII.

Admitted and registered Inams not to be interfered with.

Inams once registered and admitted in accordance with the foregoing Rules will be subject to no further interference on the part of the Government, except such as may be necessary for the punctual realisation of the Government rent charged thereon, but the Inamdar at his option can avoid any future interference by purchasing the fee simple of his land by paying twenty times the amount of the annual quit-rent as above provided.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Inam Rules—continued.

Rule XIV.

Jurisdiction of Courts of Justice in enfranchised Inams. But service Inams not transferable.

Private Inams thus enfranchised either by the payment of an annual quit-rent, or of a single fixed sum equal to 20 years' purchase of the quit-rent, will like every other description of property be subject to the jurisdiction of the ordinary course of justice in all questions of disputed rights, succession, &c., and they may be mortgaged, sold, or transferred in any manner at the will and discretion of the Inamdar, subject to the payment of quit-rent if such is not redeemed.

2.—But service grants are not liable to be alienated by purchase or otherwise.

Rule XV.

Title-deeds to be furnished on validity of Inams being established—size of bigah to be regulated hereafter.

1. On the validity of an Inam being established by enquiry in accordance with the foregoing Rules, a title-deed will be at once furnished to the Inamdar by the Inam Commissioner, or Settlement Officer, acknowledging his title to the Inam on its present tenure, and specifying the terms upon which this tenure may be converted into a freehold. Similar title-deeds should also be issued in cases of money grants continued to claimants.

2. As the size of the bigah, as entered in sanads, and understood in old village papers, varies in different parts of the country, a rule of measurement for the conversion of the bigah into an acre will be furnished to each district after due enquiry.

Rule XVI.

Yeomeahs or money pensions how to be dealt with.

Yeomeahs or pensions in perpetuity as a principle should be disallowed; but inasmuch as they have been under certain circumstances admitted by His Highness the Nizam's Government, it is necessary to continue them in cases where they may be supported by valid sanads as in clause 2, Rule I, and strictly within the conditions of the sanad. It is recommended, however, that, whenever practicable, money pension shall be commuted into land Inams under the Rules hereinbefore specified for Inams.

Rule XVII.

Money grants and endowments for public buildings when to be continued, and how may be commuted.

1. Money grants for deostans, teevars, durgahs, corusses, musjids, village priests, &c., are to be continued if they are properly applied, but to be carefully scrutinized, and all abuses disallowed. These grants are to be included under the term "chillara kharch" in the village exposures, and including "sadar kharch" or "stationery" shall not, on the average, exceed 4 per cent. on the land revenue. These grants also, if practicable, are to be commuted into land grants, and the Government is willing to commute such grants at an advantage to the grantee of 50 per cent. in land above the money grant.

Rule XVIII.

In what cases money grants without sanads are to be admitted.

Money grants for personal subsistence not supported by sanads, or not granted in perpetuity, shall in all cases cease with the death of present incumbent. They may be continued for the present under the following Rules:—

First—Such claims as were included in the Irsal List of the Native Government, and payable from the Government Treasury, shall be confirmed for life.

Second—All other charitable allowances that are proved to have been enjoyed for upwards of 24 years before the cession are to be continued during the life-time of the incumbent, and all others resumed

Rule XIX.

Exceptions.

But an exception may be made in cases of extreme destitution, bodily infirmity, old age, or other consideration where the sudden withdrawal of the Government pension might produce starvation. With the exception of such money grants, as may be included in the chillara kharch of village expenses, it is intended that this item of expenditure shall, as soon as possible, disappear from the Revenue accounts.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Inam Rules—concluded.

Rule XX.

Nature of claims to be investigated by the Inam Commissioner and Deputy Commissioners respectively.

1. As laid down in Government letter No. 4255, dated 5th November, 1858, the Inam Commissioner shall enquire into claims to integral villages or estates and detached lands included in the same grant,—and to large money grants, whether the grant had been made for the support of religious or charitable endowments, for service, or other purpose.

2. All petty grants for lands lying within the circle of a village, or if in money, for purposes connected with the management of a village, such as money Russums to village servants, or even to Pargannah officers, as well as all other petty money claims for subsistence or religious purposes, in the shape of assignments on the customs, or on the revenue of any particular village, or on the treasury, shall be enquired into by the Deputy Commissioner. He will be at liberty to employ an Assistant or extra Assistant as he thinks fit on the primary enquiry, which should be as brief and summary as possible; but he will reserve the decision upon the claims for his own consideration.

Rule XXI.

Scope of Resident's and Commissioner's authority in the disposal of claims.

1. In regard to grants other than for service, the decisions of the Commissioner and the Resident will be final as follows: those of the former in respect of all holdings not exceeding 10 acres,—and those of the latter in respect of those not exceeding 50 acres, provided that the tenure is decided to be exempt from revenue only for the life of the incumbent. If lands to any extent be released in perpetuity, or for more than one generation, the cases must be reported as briefly as possible to the Government of India; and so also, in order to meet the requirements of the Account Department, must all cases in which money grants may be continued for religious or charitable purposes.

2. In respect to service grants, the decisions of the Commissioner and the Resident when concurrent respecting the lands held free by the Pargannah and the Village Officers as remuneration for service, and also respecting money allowances received by them on the same account, shall be considered final, provided that the aggregate receipts both from land and money do not exceed the prescribed percentage on the gross revenue of the village or pargannah to which they belong: viz., Deshmukhs and Deshpandias 5 per cent., Patels and Patwaris 6 per cent., Village Watchmen not exceeding 2 per cent.

3. In such cases, there is no occasion for each claim being reported in detail to the Government of India, the only thing required being a general report for each district, showing the number of Pargannah and Village Officers in each taluka, the revenue of the taluka, the extent of land with value thereof, and the amount of money enjoyed by these officers respectively.

[See Resident's Book Circular No. XXXVII of 1879.]

Berar Sub-tenancy Rules.

I.—The name and rights of every occupant of land must be recorded in the village papers. First the name and rights of the tenant whose name is now registered, or under the present system would be registered, will be recorded, and then the names and rights of his co-occupants.

II.—Co-occupants are of two kinds: first, co-sharers holding by the same tenure as the registered occupant, and secondly, sub-tenants holding under and from the registered occupant or his co-sharers.

III.—When the rights of one or more co-sharers in a holding are admitted, the name of each, and the extent of his rights or interest, will be at once recorded. The extent of interests will be entered in fractions of a rupee when the whole arrangement is joint, as A 2 annas, B 10, C 4, but when each co-sharer separately cultivates a portion of the joint tenure, and is responsible to the community for the rent of that portion, then the amount of rent payable by each will be entered. Thus, if the rent of the joint tenure is 50 rupees, and each co-sharer cultivates separately, they will be recorded thus:—

A	27 rupees	} 50.
B	10 „	
C	13 „	

IV.—When a sub-tenant's right is admitted by both sides, the sub-tenant's name and the nature of his holding, that is, the extent of land and the rent he is to pay, or the proportion of crop he is to receive, will be at once recorded.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Sub-tenancy Rules—continued.

V.—When a claim to a co-share or sub-tenancy is disputed, either altogether or upon any point the Tahsildar will summarily enquire into the merits in the presence of both parties, and will according to the decision he arrives at, enter the name of claimant with the extent of interest proved or reject him.

VI.—There are some marks by which co-sharehood can often be distinguished from sub-tenancy when documents are wanting, and oral evidence worthless.

1st.—When co-occupants are members of the same family, and have occupied together from the first period of occupancy, or from time immemorial, the co-occupants are co-sharers.

2nd.—When a co-occupant pays and receives in the same proportion to the extent of his interest as the registered occupant, then the co-occupant is a co-sharer.

3rd.—When two or more parties have together taken up a field, they are co-sharers.

4th.—The raiyat who cultivates on any modification of the Buttee system, is a sub-tenant, not a co-sharer.

VII.—A co-sharer can only be ousted by a decree of Court. If ousted by a co-sharer, the Tahsildar on complaint made will summarily reinstate him, realizing the expense of the process from the ousting party, and taking security from them not to repeat the process.

VIII.—A sub-tenant who has held the same land under his principal for 12 years uninterruptedly cannot be ousted except by decree of Court; if ousted by his principal, the Tahsildar will, on complaint made, act as above. This rule does not apply to Buttee cultivators, whose right, as does that of all other sub-tenants who have not held for 12 years, or who do not hold on written agreement specifying period of lease, expires at the end of each year.

IX.—Written agreements must be abided by. If no period is mentioned in an agreement, it holds good for the life only of the lessee or party admitted into joint sub-tenancy. If a period is mentioned, the agreement holds good till its expiry, notwithstanding death of lessee or transfer of his right.

X.—Co-sharers* have the right of pre-emption as regards co-shares.

XI.—Sub-tenants cannot alienate their tenure by sale or mortgage without the consent of their superior.

[Sanctioned by Government of India letter No. 407, dated 10th December, 1866.]

Berar Settlement Rules.

I.—With a view to the improvement of the country and people, the assessment now introduced by the Superintendent, Revenue Survey, has been fixed by Government for a period of 30 years, *viz.*, from Fasli to during which period the full benefit of every improvement, such as the conversion of dry into irrigated land by the digging or repairing of wells and tanks, the planting of fruit trees, &c., will be secured to the incumbent of the land, and no extra assessment levied on that account. A revised assessment may be made at any time after the expiry of the present settlement. Such revised assessment shall be fixed, not with reference to improvements made by the owners or occupants from private capital and resources, during the currency of any settlement, but with reference to general considerations of the value of land, whether as to soil, or situation, prices of produce, or facilities of communication.

II.—All cesses upon land have been absorbed in the new assessment; consequently when there are fruit trees in a field, the property of the occupant, their produce is to be taken by him and nothing on that account will be demanded from him in excess of the assessment of the field, but in the case of valuable fruit and other trees standing in fields assessed at dry crop rates, and not in cultivation at the introduction of the Survey, or the produce of which it has hitherto been customary to sell on account of Government, the right of property in these trees, and of occupancy in

* It has been ruled by the Resident that this term includes both co-sharers who all share in a whole field and those of whom each has specific rights over one part of the field but not over the rest of it.—*See* Book Circular No. XXVII of 1861.

APPENDIX B—*continued*.

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued*.

Berar Settlement Rules—continued.

the field, should be offered at a fair upset price, and sold once for all by public auction to the highest bidder, and nothing in excess of the Survey assessment thereafter exacted. But if no one offer to undertake the cultivation of the field on these terms, the field may be rented at the Survey assessment, and the produce of the trees may be sold annually, according to custom.

III.—No field is to be let for less than the full Survey assessment, on account of its having been long waste, over-run with jungle, or any other reason whatever.

IV.—The assessment on a field will not vary in consequence of dry being changed into garden or rice cultivation, or *vicé versa*, or of bringing under cultivation portions of fields entered in the Survey registers as barren.

V.—The occupant of a Survey field, or recognized share of a field, or number, shall not be deprived of his right of occupancy in the said field, or recognized share of a field, by any Revenue Officer, so long as he continues to pay the assessment due thereon. This right of conditional occupancy is declared to be a transferable and heritable property; and any person, lawfully and authorizedly in occupation of any land, at the expiration of a settlement lease, who shall consent to the rate which may be assessed on his land at a revision of assessment, shall be continued in his occupancy without question.

VI.—In event of a holder of Government land dying, his fields or shares are to be entered in the name of his heirs or successors, should they or their representatives agree to take them. Should there be more heirs than one, the succession will be regulated by the Law of Inheritance applicable to the parties, or by their general consent signified at the time in writing, to a certain mode of succession. The name of the eldest heir will be entered in the Government books as principal, but the names of all the other heirs or successors must also be entered, and if the family property is divided, each co-heir will have as full power over his share as the person whom he succeeded had over the original holding, and if he wishes it, his name can be entered in the Government books as a separate sharer, and he may pay his rent separately to Government.

VII.—When two ryots hold a field, and one of them relinquishes his share, or dies without heirs, the share thus lapsing is to be offered, in the first instance, to the other sharer before it is offered to any other party.

VIII.—When there are more sharers than two in a field, and any of them relinquishes a share, or dies without heirs, it should be offered, as above, to the sharers, in the first instance, beginning, in the event of their failing to settle the matter amongst themselves, with the largest sharer, and so on to the least.

IX.—Whoever has a field, or portion of one, entered in his name, in the Government accounts, may have the said field, or portion transferred to the name of any other person agreeing to cultivate the same, on his making a written application to that effect in the usual "razinamah" or petition to resign. The razinamah may be given at any period of the year, but the transfer will not be considered final, or entered in the books, until the revenue of the current year is paid up.

X.—Proprietors of inam lands having possession of the same, have the right of cutting down, or otherwise disposing of all trees growing therein, and also holders of Government fields, of which they have been in uninterrupted occupancy from a period anterior to the age of the trees, or for a period of 20 years, or who have purchased the trees under the provisions of Rule 2.

XI.—Holders of Government fields besides those specified in the preceding rule, or occupants and lessees of inam lands, while attached or managed by Government Officers, are prohibited from cutting down fruit or timber trees on such lands. The permission to cut trees in Government waste fields, for any purpose connected with agricultural operations, can be granted by the Patel and Kulkarni on application, a record thereof being kept for the inspection of the Government Officers. For other actual and immediate wants of the villagers, such as repair of houses, &c., permission must be obtained from the Tahsildar; but for cutting any large number, or for any purpose of sale or profit, the permission of the Deputy Commissioner is necessary, when any conditions which may appear advisable can be imposed.

XII.—In taking up waste for cultivation, a whole survey field must be taken at the full assessment, and no portion of a field is on any account to be given for this purpose. There is no objection to two or more persons joining to take a field.

XIII.—There are some survey fields, consisting in great part of land* covered with dense

* Unarable.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Settlement Rules—continued.

jungle, or otherwise unsuited in their present state for cultivation, upon which no assessment is placed in the Survey Registers. In the event of portions of such fields being brought under cultivation, rates of assessment should be fixed by the Tahsildar upon the acres under tillage equivalent to those of similar soils in the same village. *This Rule applies to all fields in the Survey Registers on which rates of assessment have not been fixed.*

XIV.—Unless special exceptions be made by the Deputy Commissioner of valuable grass lands, certain to realize rents in excess of the Survey assessment, the grazing of all waste Government land is annually to be sold by auction, field by field, at the commencement of the monsoon, to the highest bidder, a preference being given to the inhabitants of the village to which the land belongs. If the bidding equals or exceeds the Survey assessment, the field should be entered in the name of the last bidder as other cultivated land held at the full assessment, and the person so taking it admitted to all the privileges of a holder of land under tillage.

XV.—The grass of fields especially excepted by the Deputy Commissioner from the operation of the preceding Rule may be sold by auction to any one for sums in excess of the Survey assessment. The occupant is prohibited from ploughing up the land.

XVI.—The grazing of the unarable and other fields not subjected to assessment in the Survey registers should be sold by auction, a reasonable portion being in every case first set aside for free pasturage, unless the villagers or any of them should agree to pay for it a fair annual rent during the whole term of the settlement.

XVII.—A Survey or Settlement Officer, and after the survey has been completed, the Deputy Commissioner, may set apart unoccupied lands in unalienated villages for free pasturage for the village cattle, for forest or grass reserves, or for any other public or Municipal purpose, and lands assigned specially for any such purpose shall not be otherwise appropriated or assigned without the sanction of the Commissioner.

XVIII.—Any person who shall unauthorizedly cultivate, or otherwise appropriate any portion of land so assigned, shall be liable to the forfeiture of any crop he may have raised on the said lands, which crop shall be disposed of as the Deputy Commissioner may direct; or if the crop is not available, to an assessment not exceeding five times the ordinary assessment of similar land, provided, however, that nothing in this clause shall exempt any person guilty of any criminal offence, in addition to the appropriation of land as aforesaid, from the punishment provided by law for such offence.

XIX.—*1st.* All jagir villages and inam lands shall be surveyed and assessed exactly as if their revenues had not been alienated by the State, and the cost shall not be charged to the holders, except when large tracts of land including several villages are held in jagir, in which case the Jagirdar shall be called on to pay the expense.

Modified in December, 1877. See Note appended.

2nd. Wherever in any description of jagir or inam land there appears to exist a body of persons who have occupied the said land from a period antecedent to the grant of jagir or inam, the grantee's claim shall be limited on the occupied land to the amount assessed by the Survey, and the occupants shall be considered proprietors and entitled to hold on the Survey Assessment, and to enjoy all the rights enjoyed by occupants on khalsa lands. But as regards unoccupied land, the grantee shall be entitled to make any terms he can with parties wishing to occupy.

3rd. In any case where it can be indubitably shown that a grant of proprietary right in the land accompanied the grant of the Government revenue, or that the land being waste when granted has been settled and brought into cultivation by the exertions, and at the cost, of the grantee, then he shall be considered the proprietor of the land, as well as the recipient of the revenue, and in the event of the grant being resumed, the proprietary right will continue.

4th. The above Rules apply to all jagirs and inams, large or small, and in all jagirs and inams the question of the rights of any occupant or cultivator will be decided according to the Sub-tenancy Rules.

XX.—In the event of inam land being confiscated, or temporarily attached, it is to be let out, while under Government management, at the Survey Assessment, or sold by auction, if waste, exactly as Government land. This Rule does not apply to the year in which the attachment is effected, for which the existing agreements made with the inamdar should be allowed to stand.

XXI.—Cultivators wishing to relinquish fields must give in a written application to that effect (which must specify the number, area, and assessment of every field to be relinquished) to the

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Settlement Rules—continued.

Village Officers on or before the 31st March in each year. The latter must, without delay, forward the application together with the parties concerned to the Tahsildar, who, after satisfying himself on the subject of it, is to ratify the application, give a written order to the applicant accepting the resignation, and transmit an order to that effect to the Village Officers, when the latter will make the necessary entries in the village accounts. In the same way, when waste fields are wanted for cultivation, a written application is to be made to the Village Officers, who are to forward it, with the applicants, to the Tahsildar, who, after satisfying himself that there is no objection to giving the land applied for, will accept their agreements, grant certificates to them, and transmit an order to that effect to the Village Officers. But the latter are not, under pain of punishment, to accept either resignations of fields, or engagements for waste, or to make alterations in the cultivation registers without referring, as above required, in the first instance to the Tahsildar, and receiving his orders thereon. All accepted resignations of cultivated and accepted applications for waste lands are to be produced at each Jamabandi Settlement for examination, and will form the vouchers for every alteration in the cultivation registers. In taking up waste land, the inhabitants of the village containing it must always have the preference over outsiders. In taking up land which has been resigned, the sub-tenants, if any, shall have the prior claim to hold direct from Government. In the event of any persons cultivating, or otherwise taking possession of any portion of a number without having received permission in writing from the Tahsildar, it shall be lawful for the Deputy Commissioner to levy from the said person a special assessment not exceeding five times the assessment ordinarily chargeable on the entire number, and to summarily eject him from the land unauthorizedly occupied.

XXII.—Occupants have full power to sublet their lands, but they will receive no assistance from the Revenue authorities in recovering their rents.

XXIII.—The revenue shall be collected in two equal instalments, which are due on the 15th January and 15th March of each year; but these dates may be changed with the sanction of the Governor General.

XXIV.—The field boundary-marks erected at the Survey should be preserved with the greatest care, and when injured, timely repairs must be made by the cultivators in the case of cultivated lands, and by hired labourers in the case of waste. The expense of the latter may be defrayed by the Deputy Commissioner without reference, if the sum do not exceed rupees five for every 1,000 acres of waste, and after reference to the Commissioner up to rupees ten for every 1,000 acres. The intervening strips connecting the boundary marks of a breadth corresponding with the latter are constituted the boundary of the field, and forbidden to be ploughed over, or otherwise injured; and in the case of dry crop land, before preparing any field for sowing, these strips are to be distinctly marked off each year by the holder running his plough along the boundary. In the event of this order being neglected, and this space ploughed up or sown, the cultivator is to be made to connect the two contiguous marks between which the boundary had been disregarded, by a continuous ridge of earth, 1½ foot in height, and should he fail to do so within a certain number of days, the Village Officers are to report the circumstance to the Tahsildar, who is to apply to the Deputy Commissioner for a notice to be served on the holder of the field, according to the provisions of Act VII of 1848; and if this be disregarded, the boundary is to be put up by hired labourers, and the amount recovered from him as therein provided.

XXV.—Independent of the precautions specified in the preceding Rule, a regular inspection of the fields, for the purpose of ascertaining the state of the boundary-marks, and that none of the fields entered in the accounts as waste are surreptitiously cultivated, is to be made in each village as soon as practicable, after the 1st of November in each year. The results of this inspection are to be entered in a field register, prepared according to the form hereunto annexed. Before, however, commencing the work of inspection, the karkun nominated for the duty should summon the villagers to the chowkie, where he should read out and explain to them the Government proclamation regarding the preservation of their boundary-marks, of which a copy is subjoined. He should make the inspection in company with the Village Officers, and take care that the owners and occupants of the fields visited be also present. He should point out to them any repairs required to their boundary-marks, and order that they be completed within a certain number of days. In the event of any of the strips of boundary between the marks having been ploughed over, or otherwise encroached upon, the Inspector should require the party who may have done so to connect the two adjoining marks, between which the boundary has been violated, by a continuous mound of earth, one cubit in height, as a punishment for the encroachment, and make a note to that effect in a separate memorandum, to be kept in addition to the register, for the purpose of recording any re-

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Settlement Rules—continued.

marks not admissible there. When every field has been thus inspected, and the state of its boundary-marks entered in the register, a second examination after the lapse of a sufficient time to allow of the repairs to the marks being completed, should be made of every field entered at the first inspection as requiring repairs. And should any of these still remain to be made, the party to whose neglect this may be attributed, should be required, in addition to repairing the marks, as originally directed, to connect each incomplete mark with the one adjoining it, by a continuous ridge of earth, one cubit in height, and these particulars, with the name of the individual, should be noted in the separate memorandum above alluded to. A notice to this effect should then be served on him, in compliance with the provisions of Act III of 1846,* and in event of his failing to complete the boundary-marks within the specified period, the Village Officers are to do so by means of hired labourers, and the expense incurred on this account is to be recovered from him, as provided in the said Act. The correctness of the entries regarding boundary-marks in the Inspection Register should be tested in every village by the Tahsildar, or some confidential member of his establishment, and the results of this re-examination entered in the column of the Inspection Register appropriated for the purpose.

XXVI.—From the Inspection Registers described in the preceding Rule, the Tahsildar of each taluka should prepare and forward to the Deputy Commissioner on the 1st of May in each year a general abstract, according to the form annexed, of the state of the boundary-marks in each village of his charge, at the different inspections; the repairs subsequently made, and those still requiring to be so, at the date of his return. Under ordinary circumstances, there ought to be no mark unrepaired at this date, but in the event of there being any, the Tahsildar should be held responsible for the delay, if unable to assign satisfactory reasons for it. On receipt of this return, the Deputy Commissioner should immediately take measures for the completion of the repairs still to be made; or, if unable to do so, to report the circumstance for the instructions of Government.

FORM OF PROCLAMATION.

Notice is hereby given to all proprietors, holders, and occupants of land in the surveyed districts of Berar, that they are to preserve with the utmost care, and repair from time to time, as may be necessary, the boundary-marks which define the limits of their several fields, as fixed at Survey; and with a view to securing this, they are hereby directed, before preparing any dry crop field for sowing, to cause a plough to be run round the boundary, leaving an untouched strip, of three cubits in breadth, to connect each boundary-mark, which strip is to be carefully preserved as the boundary of the field. An annual inspection of boundary-marks will also be made in presence of the Village Officers and ryots, who are required immediately to repair any of the boundary-marks, which may be pointed out to them by the Inspector as defective. A second examination, embracing those fields of which the boundaries were found incomplete, will follow after a reasonable interval, and should it then be found that the owner, holder, or occupant of any field has neglected to make the necessary repairs, he will be required by way of penalty, not only to make the repairs originally directed, but, in addition, to connect each defective mark with the next adjoining, by a continuous ridge of earth, one cubit in height, and a notice to this effect will be served on him according to the provisions of Act III of 1846,* and in the event of his failing to comply with this, the specified boundary-marks and connecting ridges will be completed by means of hired labour, and the expense recovered from him as provided in the said Act. Any wilful injury done to any boundary-mark is a criminal offence, and punishable by fine to the extent of Rs. 50 under the same enactment.

XIX.—Tenants on jagir estates, or inam lands, who have occupied their land from a period antecedent to the grant of the jagir, or inam, shall be entitled to hold the said land at the Survey assessment rates, should they claim to do so.

Tenants whose occupancy dates from a period subsequent to the grant of the jagir or inam, shall make their own arrangements with the holders thereof, and shall not be entitled to claim the right of holding at Survey assessment rates.

Disputes regarding the duration of tenancy under this rule, and claims to hold at assessment rates, shall be triable in the civil courts.

NOTE.—The following modified Rule, was, under the orders of the Government of India, substituted in December, 1877 for Rule XIX.

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* Sections 1, 5, and 6 of this Act have been extended to Berar—See page 26.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Settlement Rules—concluded.

FORM OF EXAMINATION.

Register of Field Boundary-Marks in the Village of *Taluka District*
in 18 .

No. of Field.	SIDES OF THE FIELD ON WHICH BOUNDARY-MARKS WERE OUT OF REPAIR AT DATE OF										Tenure.	GOVERNMENT.		Remarks by Mamlatdar or other Testing Officer.
	First inspection.					Second inspection.						Cultivated.	Waste.	
	Date.	E.	N.	W.	S.	Date.	E.	N.	W.	S.				
1	...	...	...	S	...	...	...	...	...	...	Government.	1	...	Entries correct.

General Inspection Return of the state of the Boundary-Marks of the under-mentioned Villages of the Taluka of *in the District of* *for the year ending 30th April 18 .*

No. of Division Tahsildari.	No.	Name of village.	Total Number of fields.	DISTRIBUTION OF FIELDS REFERRED IN COLUMN 4 OF WHICH THE BOUNDARY-MARKS WERE						Remarks.
				In good repair at date of first inspection.	All repaired at date of second inspection.	All repaired subsequent to date of second inspection.				
						Without notices being served.	After notices had been served.	By hired labour at the expense of		Still to be repaired at date of Return.	
								The cultivator or Khatedar	Government.		
1	2	3	4	5	6	7	8	9	10	11	12
Tahsildar	1	Chick Mulloor	375	200	150	5	10	5	5	0	
	2	Hoossor	457	350	100	1	0	0	6	0	

[Resident's Book Circular No. LXXXI of 1879.]

Rules regarding the grades and jurisdiction of the Courts of Civil Judicature.

No. 1567., dated the 30th September, 1870.—His Excellency the Viceroy and Governor General in Council is pleased to determine the grades and jurisdiction of the Courts of Civil Judicature in

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Rules regarding the grades and jurisdiction of the Courts of Civil Judicature—contd.

the Hyderabad Assigned Districts, and the periods for appeals from the decisions of such Courts, as follows:—

There shall be eight grades of Courts in the Hyderabad Assigned Districts, which shall be in addition to any Courts of Small Causes and to any other Courts which may hereafter be established, namely:—

I. The Court of the Tahsildár of the Second Class.
II. The Court of the Tahsildár of the First Class.
III. The Court of the Assistant Commissioner of the Third Class.
IV. The Court of the Assistant Commissioner of the Second Class.
V. The Court of the Assistant Commissioner of the First Class.
VI. The (District) Court of the Deputy Commissioner.
VII.* The (Divisional) Court of the Commissioner.
VIII. The Court of the Resident at Hyderabad.

Subject to any orders that may, from time to time, be issued by the Government of India, the Resident shall have power to declare to which of the grades any Tahsildár and any Assistant, Extra Assistant, or Judicial Extra Assistant, Commissioner shall belong.

The Resident shall have power to invest any Náib Tahsildár with power to try and determine suits for money due, whether on bond or other contract, or*for rent, or for personal property, or for damages, when the debt, damage or demand does not exceed in amount or value the sum of rupees fifty, and to prescribe the local limits within which the Náib Tahsildár so invested shall exercise such power.

The Court of the Tahsildár of the Second Class shall have power to try and determine suits of every description not exceeding one hundred rupees in value or amount.

The Court of the Tahsildár of the First Class shall have power to try and determine suits of every description not exceeding three hundred rupees in value or amount.

The Court of the Assistant Commissioner of the Third Class shall have power to try and determine suits of every description not exceeding five hundred rupees in value or amount.

The Court of the Assistant Commissioner of the Second Class shall have power to try and determine suits of every description not exceeding one thousand rupees in value or amount.

The Court of the Assistant Commissioner of the First Class shall have power to try and determine suits of every description not exceeding five thousand rupees in value or amount.

The (District) Court of the Deputy Commissioner shall have power to try and determine suits of every description and of any amount, and hear appeals from the original decisions in suits, and (where an appeal is allowed by the Code of Civil Procedure) [Act VIII of 1859†] from the orders of the Courts of the first, second, third, and fourth grades, and of Náib Tahsildárs invested as aforesaid. The Deputy Commissioner shall have power also to distribute business among the Subordinate Courts in the District.‡ VIII of 1859.

‡ *Vide* section 6, Act VIII, 1859† (Civil Procedure Code), for the other powers of a District Court.

*The (Divisional) Court of the Commissioner shall have power to hear and determine appeals from the original decisions in suits, and (where an appeal is allowed by the Code of Civil Procedure) [Act VIII of 1859†] from the orders of the Courts of the fifth and sixth grades. VIII of 1859.

*It shall also have power to hear and determine applications for a special appeal, as provided in the said Code, from the decisions passed in regular appeal by the Deputy Commissioners.

*The Commissioner of the Division may withdraw any suit or appeal instituted in any Court subordinate to him, and try such suit or appeal himself, or refer it for trial to any other such Subordinate Court duly competent to try the same.

The Court of the Resident at Hyderabad shall have power to hear and determine appeals from the original decisions in suits, and (where an appeal is allowed by the Code of Civil Procedure) [Act VIII of 1859†] from the orders of the Commissioners,* and also applications for a special appeal, as provided in the said Code, from the decisions passed in regular appeal by the Commissioners of Divisions.* VIII of 1859.

Vide section 6, Act VIII, 1859† (the Civil Procedure Code), and sections 25 and 40 of Act XXIII of 1861† for the other powers of a Sadr Court.

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* But *See* Notification No. 640G., dated 20th March, 1874, set out on the next page.
† *See* now Act XIV of 1882 extended by Notification No. 1090 I., dated 3rd May, 1883, page 48.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

***Rules regarding the grades and jurisdiction of the Courts of Civil Judicature*—contd.**

Appeals shall be made in the form of a memorandum, which shall be presented in the Appellate Court within the period hereinafter specified, unless the appellant shall show sufficient cause to the satisfaction of the Appellate Court for not having presented it within such limited period, that is to say, within thirty days if the appeal be to a District Court, within forty-five days if the appeal be to a Commissioner's Court,* and within ninety days if the appeal be to the Resident's Court. Applications for special appeal shall be presented within sixty days if the appeal be to a Commissioner's Court,* and within ninety days if the appeal be to the Resident's Court. The days shall be reckoned from and exclusive of the day on which judgment was pronounced, and also exclusive of such time as may be requisite for obtaining a copy of the decree appealed against.

Whenever the state of the public business requires it, the Resident shall have power to invest any person with the powers of a Commissioner* or of a Deputy Commissioner in any part of the Hyderabad Assigned Districts.

[See *Gazette of India*, 1st October, 1870, Part 1, page 658.]

Notification as to Commissioner and Judicial Commissioner.

No. 640G., dated the 20th March, 1874.—In modification of the Notification of this Department, No. 166J., dated 30th September, 1870, the Governor General in Council is pleased to order as follows:—

1. On and after the first day of April, 1874, the existing Divisional Commissionerships of East and West Berar shall be united into one Commissionership, to be termed the Commissionership of the Hyderabad Assigned Districts.

2. All powers and functions at present vested in, and discharged by, the Commissioners of East and West Berar within the limits of their respective divisions in their capacity of Courts of civil or criminal jurisdiction shall, on and after the said first day of April, 1874, be transferred to a Judicial Commissioner to be appointed by the Governor General in Council with jurisdiction throughout the entire Commissionership of the Hyderabad Assigned Districts, and shall be exercised and discharged by such Judicial Commissioner, subject to the same powers of control, superintendence, and revision on appeal, reference or otherwise, as are at present exercised by the Resident at Hyderabad over the Courts of the Commissioners of East and West Berar.

3. All other powers and functions at present vested in, and discharged by, the Commissioners of East and West Berar within the limits of their respective divisions shall, on and after the said first day of April, 1874, be vested in, and discharged by, an officer to be similarly appointed, and to be called the Commissioner of the Hyderabad Assigned Districts.

[See *Gazette of India*, 21st March 1874, Part 1, page 160.]

Berar Abkari Rules.

PART I.

GENERAL.

CHAPTER I.

Definitions.

1. In these rules the word 'Abkari Officer' includes all Deputy and Assistant Commissioners, Tehsildars, Naib-Tehsildars, Police Officers of a rank not below that of Inspectors, and Chief Constables in charge of Police stations.

Abkari Officer.

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* But see Notification No. 640G, dated 20th March, 1874, immediately following.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Abkari Rules—continued.

Magistrate. 'Magistrate' means any person lawfully exercising the powers of a Magistrate of the 1st or 2nd Class as defined by Act X of 1872.*

'Fermented liquors' and 'Foreign spirits' shall be deemed to mean, respectively, all kinds of ale, beer, porter and other fermented liquors, and all kinds of spirits manufactured after any process used in any part of Europe, whether imported to, or made in Berar.

Fermented liquors and foreign spirits.

Country spirits. 'Country spirits' means any kind of spirit manufactured after the native process, and 'tari,' fresh or fermented.

Drugs. 'Drugs' includes ganjah, bang, charrus, opium, and every preparation or admixture of the same.

Retail sale. 'Retail sale' shall be deemed to mean the sale of any quantities of any liquors or drugs as follows:—

In the case of fermented liquors, foreign spirits, liqueurs, and wines, of less than, and of country spirits or drugs not more than, those specified below:—

(*a*).—Fermented liquors, foreign spirits or wines—two imperial gallons, or one dozen quart bottles.

(*b*).—Country spirits—one seer.

(*c*).—Tari—four seers.

(*d*).—Ganjah, bang, or any admixture or preparation of the same—one quarter of a seer.

(*e*).—Charrus, or opium, or any preparation or admixture of the same—five tolahs weight.

CHAPTER II.

Manufacture and sale of fermented liquors, foreign spirits, and wines.

Fermented liquors and foreign spirits. 2. No person shall manufacture or sell any description of fermented liquors or foreign spirits or shall construct any brewery or distillery for the manufacture of the same without a special license from the Deputy Commissioner of the district: such license shall not be current until conditions attached thereto shall have been submitted to, and approved of by, the Resident, who may revise such conditions as he may deem proper.

Currency of licenses. 3. A license for wholesale vend shall be current only for the official year in which it is granted, and shall be chargeable with a fee of 16 Rupees.

A license for retail sale shall be current only for the official year in which it is granted, and shall be chargeable with a fee of not less than 100 Rupees.

The amount of the fees chargeable may, from time to time, be altered by the Resident.

No person shall have a claim to any refund on account of relinquishment of his license, and no part of any fee shall be refunded on such account except with the sanction of the Commissioner of the Division.

Exception 1.—A travelling merchant may take out a general license authorizing him to sell by wholesale in any district which he may visit without taking out a fresh license for that district under such rules and restrictions as the Resident may, from time to time, prescribe.

Exception 2.—Persons taking out a retail license late in the official year may obtain such diminution in the amount of their fee as shall appear proper to the Deputy Commissioner with the sanction of the Commissioner.

Sales of more than specified quantities. 4. Except for the supply of licensed vendors, country spirits and drugs shall not be sold in larger quantities than are specified under Section 1 as coming within the meaning of the word 'retail sale.'

CHAPTER III.

Manufacture and sale of country spirits and drugs.

Manufacture and sale of country spirits and drugs. 5. No person shall manufacture or sell any country spirits or drugs in any district without a license from the Deputy Commissioner of the district, except as hereafter provided for in the case of Sub-Contractors and passholders.

* Repealed—See Act X of 1883, which was extended to Berar by Notification No. 1494., dated the 31st December, 1883—see page 45.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Abkari Rules—continued.

Rules respecting manufacture and sale.

6. The Resident may, from time to time, make rules for the regulation of the licenses and passes to be granted for the manufacture, sale, purchase, possession, transport, and storage of country spirits and drugs, and the conditions attached thereto.

Resident may suspend Rules by Notification.

7. It shall be lawful for the Resident to suspend by public notification in any district or part of a district the operation of any one or more of these rules with respect to any one or more of the liquors or drugs mentioned therein.

And no person shall, in such district or part of a district, be liable to any penalty for the infringement of any such rule or rules with respect to such liquor or drug as shall be mentioned in the Notification during the continuance in force of such order, and until its cancelment.

Special licenses for sale of unfermented 'tari.'

8. The Deputy Commissioner may grant special licenses for the sale of the unfermented 'tari' only, at those periods of the year when the fresh juice is in request: such license shall be chargeable with a fee of one Rupee. But no Contractor or Sub-Contractor need take out such license.

CHAPTER IV.

Contractors and Sub-Contractors.

Abkari Division.

9. It shall be lawful for the Deputy Commissioner, with the sanction of the Commissioner, to fix limits within which one or more distilleries may be set up and country spirits sold. The said limits shall comprise an 'Abkari Division.'

Sale of right to manufacture and sell country spirits in an Abkari Division.

10. The Deputy Commissioner may, under the general control of the Commissioner, offer for sale the right to manufacture and sell country spirits at any place or places in his district, either by public auction or by tender. But the Deputy Commissioner shall not be obliged to accept the highest or any other bid or tender. The conditions and rules of the sale, with a list of the places where shops are to be allowed, shall be affixed in writing at the place of sale seven days previous to the holding of the sale, and they shall be read out publicly before the sale commences.

License to be given to Abkari Contractor.

11. The Deputy Commissioner shall give the Contractor a written license to manufacture and sell country spirits, and the Contractor shall execute a counterpart engágement in conformity with the terms of the license which shall set forth the conditions which must be observed under pain of forfeiture of the license.

The sale authorized by this license shall be for retail only, but the Deputy Commissioner, or, where he is not present, a Magistrate of the 1st Class, may give a special pass or order for the supply to a person or persons mentioned in such pass or order, on one occasion only, of a larger quantity.

Number of shops and their localities in an Abkari Division.

12. The number of shops which may be established, and their locality, shall be stated in the license to be given to the Contractor.

Proviso.—Provided that the Deputy Commissioner may order a Contractor to remove any shop from any locality whatever to some other within the said limits, should the same be necessary for the public good.

Contractors' Licenses to be filed in the Deputy Commissioner's Office.

13. A Contractor must give to his Sub-Contractor a license for the manufacture and sale, or sale only, of country spirits as aforesaid, and must file the name of such Sub-Contractor, together with a description of the shops let on sub-contract, in a list to be kept at the Deputy Commissioner's Office.

And no Contractor shall in any Court be able to recover from any Sub-Contractor on account of any Abkari lease unless the above provisions shall have been complied with.

Rules respecting sale of country spirits equally applicable to the sale of drugs.

14. All the foregoing rules contained in this chapter relative to the sale of country spirits shall be equally applicable to the sale of drugs; but for the vend of drugs, a separate license must be granted.

Power of Deputy Commissioner to attach property of defaulters.

15. In case of any default, the Deputy Commissioner is hereby empowered to attach any moveable property of such defaulter, or his security within the Deputy Commissioner's magisterial jurisdiction, and may deal with the same as he is empowered to deal with property confiscated under these rules, and further, may resell the right.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Abkari Rules—continued.

CHAPTER V.

Hemp and Opium.

To whom the cultivators of ganjah, bang, or opium plants may sell.

16. No cultivator of the plants producing ganjah, bang, or opium, shall sell any ganjah, bang, or opium to any other than—

(1) A person licensed to sell the same

(2) A person holding a pass from the Deputy Commissioner for the purchase of the same.

Passes to be obtained to buy or hold opium, ganjah, or bang for wholesale trade.

17. Any person desiring to buy or hold ganjah, bang, or opium, for the purposes of wholesale trade must take out a pass from the Tehsildar, who will grant it on application, and such pass shall remain in force for two months.

The sale of any quantity of ganjah, bang, or opium, held under such pass, not exceeding 20 seers in weight, shall be deemed a retail sale, and is hereby prohibited, and these drugs can only pass from hand to hand by endorsement on the pass.

Exportation of opium to the Nizam's country.

18. No opium shall be exported without a pass, and any person wishing to export his opium into those portions of His Highness the Nizam's country lying beyond the boundary of the Assigned Districts shall obtain a pass which will be granted to him at the head-quarters of each district, and at all Tehseel offices: such pass will contain the date and place of issue, name and address of person to whom it is given, weight of opium, route to be taken, and period of currency, which will in no case be more than two months.

Such pass carries no exemption from duty in the Nizam's country, and exporters of opium are required to take their opium past one of the following posts:—

Mulkapore.	Chicklee.	Sindkhair.	Rissood.
Phallegaon.	Poosud.	Sawurgaon.	Kuser.

Permission to export opium under this section may also be granted by endorsement on a pass obtained under section 17.

19. No pass will, under any circumstances, be granted for the exportation of opium to the Bombay Presidency; but any person desirous of passing his opium across the Berar frontier to Bombay for export beyond sea may obtain a pass for the same, subject to the regulations contained in the Appendix to these rules.

Exportation of opium to Bombay Presidency and beyond sea.

Export duty not leviable on opium passing through Nizam's Dominions to Madras.

20. No export duty shall be levied in Berar on opium passing through His Highness the Nizam's Dominions to Madras.

PART II.

PROCEDURE.

CHAPTER VI.

Deputy Commissioners.

21. The collection of the revenue arising from the manufacture and sale of country and foreign spirits, fermented liquors, and drugs, shall be under the charge of the Deputy Commissioner, who shall perform the duties connected therewith under the control of the Commissioner and of the Resident.

Deputy Commissioner to collect Abkari Revenue.

And all orders passed by the Deputy Commissioner under these rules shall be appealable in the usual manner to the Commissioner.

22. The Deputy Commissioner may issue his warrant for the arrest of any person whom he may have reason to believe, either from information in writing, or from the proceedings in any other case, to be engaged in the unlawful sale of spirituous or fermented liquors, or intoxicating drugs, or to have in his possession any such liquors or drugs liable to confiscation under these rules.

Warrant of arrest.

23. The Deputy Commissioner may issue his warrant for the search of any house, boat, or other place in which, upon any of the grounds mentioned in the last preceding rule, he may have reason to believe that spirits are

Search warrant.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Abkari Rules—continued.

unlawfully manufactured, or that spirituous or fermented liquors, or intoxicating drugs liable to confiscation under these rules, are kept or concealed; and such warrant may be executed by any officer above the rank of Head Constable in the manner prescribed.

Proceedings after arrest or seizure.

24. Whenever any person is arrested, or any articles seized under the warrant of the Deputy Commissioner, the Deputy Commissioner, after such enquiry as he thinks necessary, shall send the person arrested, or the articles seized, to the Magistrate, or shall order the immediate discharge of such persons, or the release of such articles.

Confiscated property.

25. All property confiscated under these rules shall be under the orders of the Deputy Commissioner, who may dispose of such property by sale, or utilize it for the public service.

CHAPTER VII.

Abkari Officers.

Inspection of shops.

26. Any Abkari officer may enter or inspect at any time, by day or by night, the shop or premises in which any licensed manufacturer or retail vendor shall carry on the manufacture of country spirits, or the sale of spirituous liquors or drugs.

Arrest of persons carrying spirits &c., liable to confiscation.

27. Any Abkari officer may stop and detain any person carrying any spirituous or fermented liquors, or drugs liable to confiscation under these rules, and may seize the liquors or drugs, with the vessels, packages, or coverings in which they are contained, and the animals and conveyances used in carrying them, and may also arrest the person in whose possession such liquors or drugs are found.

Arrest of unlicensed distillers.

28. Any Abkari officer may arrest any person having in his possession an unlicensed still, or any other spirituous or fermented liquors, or intoxicating drugs liable to confiscation under these rules, or who is engaged in the unlawful sale of spirituous or fermented liquors, or intoxicating drugs, and may seize such still, the materials for working it, and all such liquors and drugs.

Power to search on information of illicit manufacture and possession.

29. Whenever any Abkari officer shall have good reason to believe, from information given by any person,—which information shall be taken down in writing—that spirits are unlawfully manufactured, or that any spirituous or fermented liquors, or intoxicating drugs liable to confiscation under these rules, are kept or concealed in any house, boat, or other place, such officer may, between sunrise and sunset, enter into any such house, boat or place, and in case of resistance may break open any door and force and remove any other obstacle to such entry, and may seize and carry away all stills and materials used in the manufacture of such spirits, and all such liquors and drugs, and may also arrest the occupier of the house, boat, or place, with all other persons concerned in the manufacture of such spirits, or in the keeping and concealing of such liquors or drugs.

Abkari officer to report every arrest, seizure or search to his official superior, and to take the person arrested to the Magistrate for trial.

30. Whenever any Abkari officer shall arrest any person, or seize any still, or any liquors, or drugs liable to confiscation under these rules, or enter any house, boat, or place for the purpose of searching for any such illicit articles, he shall, within 24 hours thereafter, make a full report of all the particulars of such arrest, or seizure, or search, to his official superior, and, unless acting under the warrant of the Deputy Commissioner, shall carry or forward the person arrested, or the illicit articles seized, with all convenient despatch to the Magistrate.

And every search under this Chapter made by an Abkari officer, not being the Deputy Commissioner or the District Superintendent of Police, shall be made in the presence of two respectable inhabitants of the town or village within the limits of which the search is made.

CHAPTER VIII.

General.

Rules of Criminal Procedure Code for summons cases to be observed in cases under these rules.

31. All the rules prescribed under Criminal Procedure Code (Act X of 1872)* for the conduct of cases in which a summons must issue, and for appeal against orders passed, shall be observed in all cases tried under these rules.

* Repealed—*See* Act X of 1882, which was extended to Berar by Notification No. 1494., dated 21st December, 1883—*See* page 65.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Abkari Rules—continued.

32. All forfeitures and penalties for the breach of these rules, and all seizures of goods declared liable to confiscation under these rules, shall be adjudged by the Magistrate on information of an Abkari officer.

Adjudgment by Magistrate, and period of limitation.

Proviso.—Provided that any person may lay information directly before a Magistrate of any infraction of Section 40; but that no prosecution after lapse of six months from date of offence charged shall be entertained.

33. The Deputy Commissioner may, with the sanction of the Commissioner, award rewards not exceeding 100 Rupees for information leading to detection of breach of these rules and for apprehension of the offender.

Rewards to informers.

The rewards to be paid on conviction before Magistrate. For higher rewards the sanction of the Resident must be obtained.

34. All police officers are hereby required, when called upon, to aid Abkari officers in the exercise of their functions under these rules. And any police officer neglecting or refusing to give aid when called upon by an Abkari officer may be punished according to the provisions of Section 29 of the Police Act.*

Police officers to aid Abkari officers.

V of 1861.

PART III.

PENALTIES.

CHAPTER IX.

Manufacture, sale, possession, and transport of spirits, fermented liquors, wines, and drugs

35. Every Jaghirdar or Enamdar, and every Mocaddam, Patwari, or other village official, who shall authorize or connive at the manufacture of country spirits, or the sale of spirituous or fermented liquors, or intoxicating drugs, by an unlicensed person, shall forfeit, for every such offence, a sum not exceeding 500 Rupees.

Penalty for conniving at the illicit manufacture or sale of spirits, &c.

36. Whoever shall commit a breach of the provisions of Section 2 shall be liable to a fine not exceeding 1,000 Rupees, and liquors manufactured by such person, and all materials and implements collected for the purpose of manufacturing foreign spirits and fermented liquors, may be confiscated.

Breach of Section 2.

And every person obtaining a license under Section 2, who shall contravene any rule or condition attached to the license and approved by the Resident, or any rule framed by the Resident under such Section, shall be liable to a fine not exceeding 200 Rupees.

37. Any person who shall sell foreign spirits, fermented liquors, or wines without a license shall be liable to a fine not exceeding 500 Rupees.

Sale of foreign spirits, fermented liquors, and wines without license.

Proviso.—Provided that nothing in this rule shall apply to the sale of any foreign spirits fermented liquors, or wines purchased by any person for his private use, and not for sale, and disposed of by such person as overstock, or on quitting the station, or on behalf of such person's estate on his decease.

38. Any person who, having taken out a license for the wholesale vend only of foreign spirits, fermented liquors, and wines, shall sell the same by retail, shall be liable to a fine not exceeding 500 Rupees.

Wholesale vendor selling by retail.

39. Any person who shall, in any Abkari Division, manufacture or sell country spirits or drugs without a written license from the Deputy Commissioner or from a Contractor, shall be liable to a fine not exceeding 1,000 Rupees.

Manufacture or sale of country spirits or drugs without license.

40. Every Contractor or Sub-Contractor, and every person who obtains any pass from the Deputy Commissioner or from a Tehsildar, who shall not show his license or pass when demanded by an Abkari officer, shall be liable to a fine not exceeding 50 Rupees.

Contractors, Sub-Contractors and Pass-holders to show licenses and passes, when demanded, to Abkari officers.

41. Every person licensed to sell any description of liquors or drugs who shall permit drunkenness, riot, or gambling in his shop, or shall permit persons of a notoriously bad character to resort and remain therein, or shall receive any wearing apparel, or other effects in barter for a pledge for the payment of liquors or drugs, shall forfeit, for every such offence, a sum not exceeding 200 Rupees.

Penalty for permitting drunkenness, &c., in shops.

42. Every Contractor or Sub-Contractor who shall sell any country spirits or drugs to any person in excess of what is permitted for retail sale, or who shall sell spirits or drugs at any place except that specified in his license,

Wholesale vendors and pass-holders selling by retail.

* This Act was extended to Berar by Notification No. 212, dated 13th October, 1873.—*See* page 28.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Abkari Rules—continued.

and every person holding a pass under Section 17 who shall sell opium, ganjah, or bang, in quantities not exceeding 20 seers, shall forfeit, for every such offence, a sum not exceeding 200 Rupees.

Proviso.—Provided that nothing in this Section shall be deemed to apply to cultivators of opium, ganjah, or bang, when they sell to persons to whom they are empowered to dispose of their said produce under the provisions of Section 16.

Breach of License.

43. Every Contractor or Sub-Contractor, who shall, in any Abkari Division, commit any act in breach of the license granted to the Contractor, or of his counterpart engagement, not otherwise provided for by these rules, shall forfeit, for every such offence, a sum not exceeding 100 Rupees.

Illegal possession of spirits, &c.

44. Every person, other than a person licensed to manufacture or sell, or a pass-holder, who shall have in his possession any quantity of foreign or country spirits, fermented liquors, or drugs, in excess of what may be sold under these rules by retail, shall forfeit, for every such offence, a sum not exceeding 100 Rupees; and the liquors or drugs, together with the vessels, packages and coverings in which they may be found, and the animals and conveyances used in carrying them, shall be liable to confiscation, subject to the exceptions specified below; and if the drug be opium, or any preparation or admixture of the same, such person shall be liable, in addition to the above, to a penalty not exceeding 10 Rupees for every seer found in his possession.

EXCEPTION I.—Foreign or country spirits, fermented liquors, and wines, purchased by any person for private use and not for sale.

EXCEPTION II.—Cultivators of the plants producing opium, ganjah, or bang, in possession of such produce grown by themselves.

EXCEPTION III.—Persons using the juice of the sendee tree (*Phœnix sylvestris*) merely for the manufacture of gour or molasses.

EXCEPTION IV.—Travellers and visitors from countries without the limits of Berar, having any quantity of opium not exceeding 2 seers, the produce of any country without the limits of Berar, intended for the private use of such travellers, or visitors, or their attendants, and not for sale or traffic.

EXCEPTION V.—Dealers in horses, travelling with batches of horses, and having in their possession opium, the produce of countries without the limits of Berar, not exceeding in quantity 10 tolas per horse.

Any quantities found in the possession of any traveller, visitor, or horse-dealer, in excess of those specified above, shall be liable to confiscation; but the person in whose possession the opium may be found shall not be subject to any further penalty.

Sale, by cultivator, of ganjah, bang, or opium, to persons not authorized to buy.

45. Any cultivator of the plants producing ganjah, bang or opium, who shall sell ganjah, bang, or opium to persons to whom he is not permitted to sell under the provisions of Section 16 shall be liable to a fine not exceeding 200 Rupees: and the drugs thus sold may be confiscated.

Breach of rules not specially provided for.

46. Any person who shall commit a breach of these rules, the penalty for which is not specially provided in these rules, and for which no penalty is provided in any other law applicable to Berar, shall be liable to a penalty not exceeding 100 Rupees.

Penalty for repetition of offences.

47. Whenever any person who has been convicted of any offence under these rules shall be again convicted of the same, or any other offence under these rules, he shall be liable, in addition to the penalty attached to such offence, to imprisonment for a period not exceeding 6 months on every subsequent conviction.

And if such subsequent offence be committed within one year after any former conviction the imprisonment may, in the discretion of the Magistrate, be in a Criminal Jail.

Abetment.

48. The provisions of Chapter VI of the Indian Penal Code with respect to abetment shall, wherever possible, be deemed applicable to these rules.

Appendix to preceding Rules.

REGULATIONS FOR THE EXPORTATION OF OPIUM BEYOND SEA DATED 17TH NOVEMBER 1887.

1. The Opium must be brought to the Government godowns at Akolah ready packed in whole chests, or, for convenience of carriage, in half chests by the merchants or brokers, who shall tender hoondies for the duty payable in Bombay at sight to the Bombay General Treasury and the Bank of Bombay: these, on being approved, shall be entered in a register and forwarded therein to the Accountant General, Bombay.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Appendix to preceding Rules—continued.

Regulations for the Exportation of Opium beyond sea—continued.

The Government duty on all Berar opium is Rs. 600 per whole chest, or Rs. 300 per half chest.

2. On the receipt of the hoondies, the half chests shall be neatly spread out in the godown and numbered from one to the last number consecutively in English.

3. Merchants shall provide and pay for porters (hamals), carpenters and men for sewing up the chests, opened for weighment.

4. The officer who makes the weighment shall weigh every chest and half chest of opium and see that each whole chest weighs 141½ pounds, and each half chest 70¾ pounds: and when completed the boxes shall be nailed up and re-packed, and the weight marked in English on each box.

5. Full particulars shall be then entered in the passport granted for each weighment. A specimen of passport is herewith attached (Form No. I).

6. The check against smuggling on the way to Bombay lies with the Customs officers there, testing the weighments by fresh weighments, and as there is always a certain amount of dryage in transit, the weighments in Bombay should invariably fall short of those here.

7. To prevent molestation on the road, a vernacular pass (purwansh) shall be granted to the person appointed by the merchant to accompany the despatch in which is inserted the particulars of the consignment.

8. The hoondies, after registry and numbering, shall be forwarded to Bombay (on the completion of the weighments) with a register. Copy also attached (Form No. II).

9. The guards necessary for the escort of the consignments shall be provided and paid for by the merchants, or insurers, who usually supply the guards.

10. Advice (Form No. III) of each despatch shall be forwarded to the Deputy Commissioner of Customs, Salt, and Opium, P. D., Bombay, the day after it occurs.

11. A weekly register of passports (Form No. IV) granted shall be sent to the Commissioner of Customs, Salt, and Opium, Bombay.

12. Three similar monthly registers shall be prepared, one to be sent to the Financial Secretary; one to the Secretary, Board of Revenue, Lower Provinces, Calcutta; and the third to the First Assistant Resident, Hyderabad.

FORM No. I.

OPIUM PASSPORTS.

No.——*of*——.

SEAL OF AKOLAH OPIUM AGENCY.

Paid on the——18

Asst. Commissioner of Customs, Salt, and Opium at Bombay.

WHEREAS——— having paid into the Akolah Treasury the sum of Rupees——— as a consideration for the privilege of exporting, by the direct route from Akolah to Bombay,——— chests of opium consisting——pounds of Berar opium at the rate of (600) six-hundred Rupees per (141½) one-hundred and forty-one and a half pounds weight, and the said——having agreed to pay all customs and duties thereon to the Native States and Chiefs through whose territories the opium will have to pass, are hereby permitted, under the proclamation bearing date the 1st March, 1862, to convey from Akolah to Bombay, by the direct route, for exportation thence by sea, the above quantity in such packages as shall be thereupon endorsed free of any further duties whatever.

Rupees . . .

Chests . . . .

Rupees . . .

Weight . . .

Allowance for leaf and dust . . . .

This pass will be valid until the——— and no longer.

Date———

Signature.

DETAIL OF EXPORTS.

Number of chests.	Weight.	By whom exported.	Date of export.	Custom proof admitted by.
1	2	3	4	5

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Appendix to preceding Rules—continued.

Regulations for the Exportation of Opium beyond sea—continued.

FORM No. II.

No. ——— OF 187—.

Continuation Register of Hoondies forwarded by the ——— *and Opium Agent in* ——— *on account of Opium Pass duty, payable to Bombay Government.*

Number of pass.	Date of pass.	Number of chests in each pass.	Consecutive number of Hoondies.	Date of Hoondies.	By whom drawn.	On whom drawn.	Days' sight.	When due.	Amount of Hoondies.	Total amount of pass duty.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Appendix to preceding Rules—continued.

Regulations for the Exportation of Opium beyond sea—concluded.

FORM No. III.

No. OF 187 .

Memorandum of the despatch of Pass Opium.

NUMBER OF PASS.	No. of Chests.	No. of Despatch.	By what route.

FORM No. IV.

Weekly Register of Opium Passports granted at ——— *in* ——— *18* ———
ending ———.

No.	Date.	By whom issued.	In whose name.	Chests.	Amount of Pass duty received.

Note.—So much of these Rules as relate to opium have been superseded by the Rules framed by the Resident under the Opium Act (I of 1878) as applied to Berar—*See* page 73.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Rules as to levy of certain Cesses.

No. 11, dated the 27th January, 1875.—The Governor General in Council hereby authorizes the levy in the Hyderabad Assigned Districts of the Cesses detailed below :—

I.—A bazaar Cess, ranging from three annas to three pie per stall, on all vendors of goods at periodical markets in the Hyderabad Assigned Districts.

*II.—A Town Fund to be assessable on all persons dwelling or personally working for gain, or carrying on business, within the Hyderabad Assigned Districts, any part of whose income is derived from any source other than agriculture.

Provided that no person whose estimated income is less than two hundred rupees a year shall be assessed to the above tax; that no person shall be assessed to the said tax at a rate exceeding one per centum on his estimated income; and that no person shall be assessable to the said tax at a sum exceeding five hundred rupees per annum.

[See *Gazette of India*, 30th January, 1875, Part I, page 54.]

Abolition of appointment of Railway Magistrate.

No. 191, dated the 23rd December, 1878.—The Resident is pleased to abolish the appointment of Railway Magistrate in Berar, and to direct that all cases occurring on the Railway be triable by any European Magistrate having local jurisdiction outside the Railway fences. When the Magistrate possessing such jurisdiction is not an European, cases triable by him may be transferred, as the Judicial Commissioner may think fit to direct, by a general or special order, to the nearest European full power Magistrate.

[See *Hyderabad Residency Orders*, 2nd January, 1879, p. 3.]

Amendment of preceding Notification.

No. 477, dated the 26th March, 1879.—The latter part of Notification No. 191, dated 23rd December, 1878, is hereby cancelled, and the Notification as amended will run thus :—

"The Resident is pleased to abolish the appointment of Railway Magistrate in Berar, and to direct that all cases on the Railway be triable by any European Magistrate having local jurisdiction outside the Railway fences.".

"Whenever a European Magistrate shall not be present in the Malkapur taluka, that part of the Railway line lying within the Buldana district shall be considered a division of the Akola district.

[See *Hyderabad Residency Orders*, 1st April, 1879, p. 144.]

Rules as to the arrest of persons registered in British India under the Criminal Tribes Act, 1871, and found in the Hyderabad Assigned Districts.

XXVII of 1871. *No. 289 I. J., dated the 29th August, 1879.*—The Governor General in Council is pleased to make the following Rules for the Hyderabad Assigned Districts with regard to the arrest of persons registered in British India under the Criminal Tribes Act (XXVII of 1871) and found in those districts :—

1. Any person registered under the provisions of the Criminal Tribes Act (XXVII of 1871) who is found in any part of the Hyderabad Assigned Districts without such pass as may be required by the Rules under the said Act, or in a place, or at a time, not permitted by the conditions of his pass, or who escapes from a reformatory settlement in British India and is found in any part of the said districts, may be arrested without warrant by any policeman or village watchman, and taken before a Magistrate, who, on proof of the facts, shall order him to be removed to the district in British India in which he ought to have resided, or to the reformatory settlement from which he has escaped (as the case may be), there to be dealt with according to the Rules under the said Act for the time being in force.
2. The Rules for the time being in force for the transmission of prisoners shall apply to all persons removed under these rules: provided that an order from the Resident at Hyderabad or from the Inspector General of Prisons shall not be necessary for the removal of such persons.

* Superseded by Notification No. 83, dated 10th April, 1884, set out on page 136.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Rules as to the arrest of persons registered in British India under the Criminal Tribes Act, 1871, and found in the Hyderabad Assigned Districts—continued.

3. It shall be the duty of every village headman and village watchman in a village, and of every owner or occupier of land, to give the earliest information in his power at the nearest police station of the arrival at such village or on such land (as the case may be) of any person who may reasonably be suspected of belonging to any tribe, class or gang which has been declared Criminal under the said Act.

4. Any village headman, village watchman, owner or occupier of land, who shall fail to comply with the requirements of Rule 3, shall be deemed to have committed an offence under the first part of section 176 of the Indian Penal Code.

[See *Gazette of India*, 30th August, 1879, Part I, page 584.]

Rules for the disposal, &c., of Unclaimed and Lawaris property.

In supersession of Book Circular No. II of 1877, and all other orders on the subject of property referred to therein, the following rules are issued by the Resident, with the sanction of His Excellency the Governor General in Council.

Property to be dealt with by a Magistrate, sent up for trial.

Property to be dealt with by a Magistrate.

Unclaimed property to be disposed of under the orders of the Magistrate of the District.

Property to be dealt with by the Police is usually of three kinds:—

A.—Articles transmitted to the Magistrate, under Section 127 of the Code of Criminal Procedure, with the Police report in cases

B.—Property seized by the Police as stolen property or on suspicion under Section 415 of the Code of Criminal Procedure.

C.—Moveable property taken charge of by the Police under Sections 25 and 27 of Act V of 1861.

I. With regard to property of the first kind the Police Department, or such other officer as the Court in its discretion shall see fit to entrust it to, will retain charge of it pending the disposal of the case. When the case is decided, the property, if not returned to the owner, will be made over to the District Nazir for safe custody, if the Magistrate who tried the case is located at the head-quarters and in other cases to the Tahsildar of the Taluk in which it was taken possession of.

II. Property of the second kind will remain at the Police station until the Magistrate makes an order under Section 415 of the Criminal Procedure Code.

III. Property of the third kind shall at once be sent with an inventory thereof to the Tahsildar of the Taluk in which it was taken possession of.

IV. On receiving property under Rule III, the Tahsildar will enter it in his register, and send on the inventory which accompanied it to the Deputy Commissioner.

If the property is of a perishable nature, or if it appear to the Deputy Commissioner that its sale would be for the benefit of the owner, he may at any time direct it to be sold, and shall credit the proceeds to deposits. All other property, except that referred to in Rule V, which should be forwarded to Deputy Commissioners, at head-quarters, shall be kept for six months.

V. In the case of each kind of property above mentioned if such property consists of bullion, coin or jewels, and is of some value, say of Rs. 200 and upwards, it should be sent to head-quarters, where, under the orders of the Deputy Commissioner, it will be made over to the District Nazir. Should the value of the property amount to Rs. 1,000 or upwards, the Deputy Commissioner should not make it over to the District Nazir, but to the Treasurer, by whom the bullion at its estimated value in cash, the coin as a regular deposit, and the jewel as an extraordinary deposit, shall be entered in a special register, which should be countersigned every month by the Deputy Commissioner.

VI. The Tahsildar, as well as the Police, so long as the property remains in their possession under the above rules, shall be held responsible for its safe custody. Similarly, the Nazir or the Treasurer, as the case may be, will be responsible for the safe custody of the property in his possession.

VII. The Deputy Commissioner shall, as soon as possible, after the receipt of the property either at tahsil cutcheries or at head-quarters under Rule V, cause a proclamation to be issued specifying the articles of each kind, and requiring any person who may have a claim thereto, or to the proceeds

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Rules for the disposal, &c., of Unclaimed and Lawaris property—continued.

thereof, to appear before the Tahsildar of the taluka, and establish his claim within six months from the date of such proclamation.

VIII. If claims are preferred, the Tahsildar of the Taluk shall hear them and submit his proceedings and opinion to the Deputy Commissioner, who shall dispose of them according to their merits, referring any doubtful case to the Commissioner for orders.

IX. If no person within the period of six months establishes his claim to such property or proceeds, and if the person in whose possession such property was found is unable to show that it was legally acquired by him, the property shall be at the disposal of Government, and shall be sold under the orders of the Deputy Commissioner; or if it has already been sold, the proceeds shall be at the disposal of Government, and shall be credited to Law and Justice.

X. All claims to monies credited to Government shall be heard in the Akola and Amraoti Districts by the Treasury Officers, and in the other districts, by Assistant Commissioners in charge of the taluks from which the property was received. The proceedings in each case shall be forwarded to the Deputy Commissioner, who, in the case of claims received favourably for the applicants, shall report through the Judicial Commissioner for the orders of the Resident.

XI. All property referred to under these rules shall, as a rule, be sold at the taluk cutcherry, but Deputy Commissioners may order any property to be sold elsewhere, whenever such a course may appear to them to be clearly conducive to the realization of the best obtainable prices.

XII. Sales shall be fixed on bazaar days during the hours of public business.

XIII. Fifteen days' clear notice shall always be given before sale, and a copy of the notification specifying the time and place of sale, and the property to be sold, shall be put up at the tahsil cutcherry.

XIV. A half-yearly statement in the form prescribed by the Judicial Commissioner shall be submitted by the Tahsildar to the Deputy Commissioner of their respective districts showing value of property in land at the end of the previous half-year, the value of the property received during the half-year, total value, value of property returned to owners, value of property credited to Government, and the balance in hand.

[Sanctioned in Government of India, Foreign Department, letter No. 155 I.J., dated 6th July, 1881.]

Rules regarding the Jaglia Cess.

1. The Cess will no longer be adjusted to the requirements of individual villages, but will be levied uniformly all over Berar at the rates, and in the manner, prescribed in Book Circular XVIII of 1878.

2. The house-tax, which has in some districts (Akola) been levied as a supplement to the Jaglia Cess, will be abolished.

3. The Cess thus uniformly levied all over Berar will, in future, be designated the "Jaglia and Local Cess." The change of name will mark the fact that the Cess is levied for purposes of local improvement as well as for the support of the Jaglia force.

4. Receipts from the "Jaglia and Local Cess" will be, in the first instance, at the disposal of the Deputy Commissioner for the maintenance of the Jaglia force; but on the 1st April of each year the surplus of income (including any balance retained in hand at the beginning of the year) over disbursements on the above account during the preceding year will, after deducting such amount as it may be necessary to keep in hand,* be credited to the Town Fund of the district.

* The amount required in each district will be fixed hereafter.

Provided that in the case of municipalities and places in which Commissioner's Book Circular XIV of 1881 may be in force, a separate calculation shall be made for each such municipality or place, and the surplus of *its* income over disbursement be credited to its income from Town Fund.

5. It follows from the above instructions that the Jaglia and Local Cess will ultimately not be a disbursement heading except for charges connected with the maintenance of the Jaglia force, and that your Local Fund accounts will accordingly be considerably simplified. While the accumulated balance is unexhausted [*vide* para. 8], it will, of course, be a disbursement heading for charges debited to that balance.

6. While permitting the surplus Jaglia and Local Cess of places which are not municipalities, and to which Book Circular XIV does not apply, to be credited in the lump to the district Town Fund, the Government of India with a view to guard against the diversion of the proceeds of the

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Rules regarding the Jaglia Cess—continued.

general Town Fund to the requirements of towns and villages of importance to the detriment of the purely agricultural population direct—

(1) that no assignment be made from general Town Fund to any municipality or place in which Book Circular XIV of 1881 applies without the special sanction of the Resident;

(2) that such sanction be accorded only when the object of the proposed assignment is one which will be beneficial to the rural population of a large circumjacent tract, and not merely to the inhabitants of the place where the money is to be spent and of a few villages in the neighbourhood. Under this rule, a dispensary would be an object for which an assignment might safely be made; a serai or tank might or might not, a town-hall or ornamental garden would be an object to which it certainly ought not to be made.

Application of the accumulated balance of the Jaglia Cess.

7. The amount which was at the credit of the Jaglia Cess of each district on 1st April, 1882, will, subject to the deductions referred to in paragraph 5 above, be regarded as the accumulated surplus Jaglia Cess of that district.

8. This surplus shall until exhausted be recognised as a separate fund having separate budget allotments.

9. The surplus of each district shall be expended within that district on the following objects:—

(*a.*) Extraordinary public works intended to improve the water-supply of the Hyderabad Assigned Districts, such as the reservoirs at Amraoti and Khamgaon. By extraordinary public works, Deputy Commissioners should understand works so large that they cannot be constructed out of current revenue.

(*b.*) Smaller works of the same class in places where the need of water is great and local means are inadequate to supply it.

(*c.*) To making subject, however, to the Resident's special sanction in each case, special grants to places to which Book Circular XIV applies for sanitary purposes and especially for carrying out systems of drainage.

10. The Comptroller should certify the amount at credit of each district on 1st April, after which Deputy Commissioners may submit proposals for spending such portion of the surplus as can be usefully spent during the current year, and in each succeeding Local Fund budget they will enter allotment from the surplus until it is exhausted.

[Resident's Book Circular No. XXXIV of 1882.]

Rules regulating Legal Practitioners in the Court of the Resident at Hyderabad and in Courts subordinate to it.

CHAPTER I.

DEFINITIONS.

1. In these rules, unless there is something repugnant in the subject or context, the expression "Courts subordinate to the Court of the Resident at Hyderabad" means—

(*a*) All Civil and Criminal Courts, excepting Revenue Courts and including Courts of Small Causes, in the Hyderabad Assigned Districts;

(*b*) the Courts presided over by the First Assistant at Hyderabad, the Cantonment Magistrate and his Assistant in the Secunderabad Cantonment, the Superintendent of Residency Bazaars at Hyderabad, and an Attaché to the Resident sitting at Hyderabad or Secunderabad, and the* Judicial Superintendent of Railways in His Highness the Nizam's Dominions;

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* The Court of the Railway Magistrate has now apparently taken the place of this Court, which has been abolished, *See* Notification No. 1143., dated the 22nd March, 1888, in Appendix to chapter V of this Part, establishing the Court of the Railway Magistrate.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Rules regulating Legal Practitioners in the Court of the Resident at Hyderabad and in Courts subordinate to it—continued.

(c) all other Courts which may be hereafter declared by the Governor General in Council to be Courts subordinate to the Court of the Resident at Hyderabad for the purposes of these rules.

"Advocate" means a person admitted under Chapter III.

"Pleader" means any holder of a certificate granted under Chapter IV.

CHAPTER II.

GENERAL PROVISIONS.

2. Except as provided in the Codes of Civil and Criminal Procedure, or in any other law for the time being in force, no person shall appear, plead or act for any other person in the Court of Resident at Hyderabad, or in any Civil or Criminal Court subordinate to that Court, unless he has been admitted as an advocate under Chapter III, or holds a certificate in Form A or Form B annexed to these rules authorising him to practise in that Court.

Provided that any person who is entered as an advocate, vakeel, or attorney on the roll of any High Court, established under the 24 and 25 Vict., C. 104, or as an advocate on the roll of the Chief Court of the Punjab, and who ordinarily practises in the Court on the roll of which he is entered, or in some Court subordinate thereto, shall be entitled to practise in the Court of the Resident at Hyderabad, or in any Court subordinate thereto, without such admission or certificate.

CHAPTER III.

ADVOCATES.

3. Any person who has been admitted as a Barrister in England or Ireland, or as a member of the Faculty of Advocates in Scotland, may be admitted as an advocate of the Court of the Resident at Hyderabad.

4. Every person applying under Section 3 to be admitted as an advocate of the Court must produce a certificate, showing that he has been admitted as a Barrister in England or Ireland or as a member of the Faculty of Advocates in Scotland, together with satisfactory testimonials to his good character and ability.

5. The mode of applying to be admitted as an advocate of the Court shall be by letter stating the date on which the applicant was called to the Bar, and that it is his intention to practice within the jurisdiction of the Court of the Resident at Hyderabad. The letter shall be addressed to the Resident together with the certificate required by Section 4 and the testimonials to character and ability.

6. The application will be considered by the Court, and if it is granted, the Resident will supply to the applicant a certificate of admission under his signature and the seal of the Court, and enrol his name in the Court's Register of Advocates.

7. Any person admitted under this Chapter shall be entitled to practice in the Court of the Resident, or in any Court subordinate thereto.

CHAPTER IV.

EXAMINATION AND CERTIFICATES OF PLEADERS.

8. Any person desirous of obtaining a pleader's certificate under these rules must pass the examination required thereby.

Exception.—Persons who have, before the publication of these rules, been authorised to practise in all the Courts or all the subordinate Courts mentioned in Section 1 will not be required to pass any examination under this Section. They will be entitled to a certificate either in form A or in form B annexed to these rules, provided that they apply for the same within two months after the rules come into force. The application must be made in writing to the Resident, and must be accompanied by a certificate granted by such officer as the Resident may direct, showing in what Court

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

***Rules regulating Legal Practitioners in the Court of the Resident at Hyderabad and in Courts subordinate to it*—continued.**

or Courts the applicant has been authorized to practise. On receipt of the application the Resident will issue to the applicant—

(*a*) A certificate in the form A, if the applicant has been authorized to practice in the Resident's Court and all Courts subordinate to it;

(*b*) A certificate in the form B, if the applicant has been authorized to practice only in the Courts subordinate to the Court of the Resident.

9. (*a*) There will be two standards in the examination. Candidates who desire to practise in the Court of the Resident at Hyderabad and in all Courts subordinate to it will be required to pass according to the higher standard. Candidates who wish to practise only in Courts subordinate to that of the Resident at Hyderabad will be required to pass according to the lower standard. The examination for both standards will be the same. It will be held annually in the month of March or at such other convenient time as may be determined by the Judicial Commissioner, Hyderabad Assigned Districts, on a date and at a place of which due notice will be given in the *Hyderabad Residency Orders*.

(*b*) The examination will be conducted by a committee, of which the Judicial Commissioner, Hyderabad Assigned Districts, or such other officer as the Resident may be pleased to appoint, will be president, and the other members will be appointed by the president.

10.† Each person desiring to be examined must submit to the Judicial Commissioner,* not less than three calendar months before the date fixed and notified under Rule 9(*a*),* an application in writing together with—

(1) a certificate showing the place of his birth, and that his age at the date of the examination will be more than 22 and less than 35 years; provided that the Resident may, if he thinks fit, dispense with the provision fixing 35 years as the maximum age for applicants;

(2) a certificate that he can speak, read, and write the Marathi language, and has a good colloquial knowledge of the Urdu language;

(3)‡ a satisfactory certificate that he is of good moral character, dated not earlier than *six calendar months* immediately preceding the date of the examination;

(4) a fee of R10 (Government currency), for which a receipt will be furnished by the Judicial Commissioner.

11. The certificates mentioned in the last preceding section may be signed by the First Assistant Resident at Hyderabad; by the Commissioner, Hyderabad Assigned Districts; by the Judicial Commissioner, Hyderabad Assigned Districts; by any Deputy Commissioner in the Hyderabad Assigned Districts; by the Director of Public Instruction, Hyderabad Assigned Districts; by the Registrar of any High Court or of the Chief Court of the Punjab, or of the Judicial Commissioner's Court in the Central Provinces; by the Principal of any College or other institution recognized by the Universities at the Presidency towns; by any Commissioner, Judicial Commissioner, Deputy Commissioner, Collector or District Judge in British India; or by the Chief Political Officer of the British Government in any Native State.

12. Any candidate who has failed to pass any examination under these rules will, subject to the limitation of age prescribed by Section 10 (1) and to the provisions of Section 17, be allowed to appear again for examination on production only of a certificate of good moral character as required under Section 10 (3).

13. After perusal of the certificates required by section 10, and after such enquiry as may appear necessary, the Judicial Commissioner may admit or reject any candidate. He shall not be bound to specify reasons for rejection, and his order shall be final. He shall return to rejected candidates the fee of R10 prescribed by section 10 (4).

At a reasonable time before the date fixed for the examination, a list of the candidates who have been admitted will be published in the *Hyderabad Residency Orders*.

14. (*a*) The examination will be conducted in writing, and in the English language. Want of proficiency in this language, if shown in the candidate's answers, will of itself be held to disqualify him.

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† The words between asterisks in this rule are amendments of the original rule and were sanctioned by Government of India letter No. 3845, dated 16th September, 1884.

‡ The words between asterisks in this clause are an amendment of the original rule and were sanctioned by Government of India letter No. 3845, dated 16th September, 1884.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

***Rules regulating Legal Practitioners in the Court of the Resident at Hyderabad and in Courts subordinate to it*—continued.**

(*b*) One paper will be set in each of the undermentioned subjects; the maximum number of marks obtainable is shown opposite each subject:—

I. Hindu and Muhammadan Law	100
II. The Laws of Civil Procedure and Limitation and Act XI of 1865	100
III. The Law of Contracts and Torts	200
IV. Specific Relief, Transfer of Real Property, Mortgage and Trusts	
V. The Law of Evidence, Registration and Stamps	100
VI. Criminal and Police Laws	100

(*c*) In addition to the Acts and Regulations and the Reports of the High Courts, the following text-books are recommended:—

Mayne on Hindu Law and Usage.
West and Buhler's Digest of Hindu Law.
Macnaghten's Principles and Precedents of Muhammadan Law.
Field on the Law of Evidence.
Cunningham's Commentaries on the Indian Evidence Act.
Cunningham's Commentaries on the Indian Contract Act.
Collett on Torts.
Smith's Equity and Jurisprudence, or Snell's Principles of Equity.
Broom's Legal Maxims.

15. In order to pass the examination according to the higher standard, the candidate must obtain at least 30 per cent. of the marks obtainable in each paper, and 70 per cent. of the aggregate number of marks obtainable in all the papers. In order to pass the examination according to the lower standard, the candidate must obtain at least 30 per cent. of the marks for each paper, and 50 per cent. of the aggregate number of marks for all the papers.

16. A list of successful candidates, in the higher and lower standards respectively, will be submitted by the examining Committee for the orders of the Resident.

17. If the Committee are of opinion that any candidate has come up for examination without due preparation they may prohibit his appearance at the next examination.

18. Any candidate who may have been considered qualified by the Committee may be rejected by the Resident, whose order shall be final.

19. Candidates who have passed the examination, and who are not rejected by the Resident, will receive certificates in the Form A or in the Form B appended to these rules. Certificates in the Form A will be granted to those who have qualified according to the higher standard, and certificates in the Form B to those who have qualified according to the lower standard. All certificates will be issued and signed by the Judicial Commissioner. They will be valid for a period of one year from the date of issue, after which the holders shall apply for renewed certificates, and deliver up the old ones for cancellation to the issuing officer.

20. Renewed certificates shall be valid for a period of one year from the date of issue, on the expiration of which a fresh renewal shall be necessary.

21. The Judicial Commissioner and the First Assistant Resident will submit a list every year, for publication in the *Hyderabad Residency Orders*, of persons to whom certificates have been issued or renewed during the past year.

22. Every certificate in the Form A, whether original or renewed, shall be written upon stamped paper of the value of R50 to be provided by the applicant; and every certificate in the Form B, whether original or renewed, shall be written upon stamped paper of the value of R25 to be provided by the applicant.

23. Holders of certificates in Form A shall be entitled to practise in the Court of the Resident at Hyderabad, and in the Courts subordinate thereto. Holders of certificates in Form B shall be entitled to practise only in the Courts subordinate to the Court of the Resident at Hyderabad.

23(*a*). *The Resident may, in his discretion, exempt an Advocate, Vakil, or Attorney on the roll of any chartered High Court from passing the test herein mentioned, and may permit him to practise permanently in the Court of the Resident and in all or any of the Courts subordinate to it, on such Advocate, Vakil, or Attorney of any chartered High Court, submitting an application, to-

* This Rule was added to these Rules by Notification No. 35, dated 16th October 1885.—*See Hyderabad Residency Orders*, 2nd November, 1885, Part I, page 197. *See* page 57.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Rules regulating Legal Practitioners in the Court of the Resident at Hyderabad and in Courts subordinate to it—continued.

gether with a certificate that his name is still borne on the roll thereof, and satisfactory testimonial to his good character.

An Advocate, Vakil or Attorney admitted under this Rule shall be liable to the fee prescribed in Rule 22.

CHAPTER V.

SUSPENSION AND DISMISSAL OF ADVOCATES AND PLEADERS.

24. The Resident may suspend or dismiss any advocate or pleader who is convicted of any criminal offence implying a defect of character which unfits him to be an advocate or pleader.

25. The Resident may also, after such enquiry as he thinks fit, suspend or dismiss any advocate or pleader for taking instructions in any case except from the party on whose behalf he is retained, or a private servant of such party or a recognized agent of such party within the meaning of the Code of Civil Procedure; or for fraudulent or grossly improper conduct in the discharge of his professional duty, or for any other reasonable cause.

26. If the presiding officer of any Court subordinate to the Court of the Resident has reason to believe that any advocate or pleader practising before him has been guilty of fraudulent or unprofessional conduct, he shall reduce to writing in a concise form the grounds for his belief, and forward a copy of the same to the advocate or pleader, together with a notice that on a day therein appointed, not being less than 20 days from the date of despatch of the said copy, the matter will be taken into consideration.

On such day or on any subsequent day to which the enquiry may be adjourned, the presiding officer shall receive and record all evidence properly produced in support of the charge, and the evidence (if any) so produced by the advocate or pleader, and record his finding in the case.

27. If such officer finds the charge established, and considers that the advocate or pleader should be suspended or dismissed in consequence, he shall forward the proceedings in the case and his finding for the orders of the Resident. Every report made under this rule—

(*a*) by the Cantonment Magistrate, Secunderabad, or by the Assistant Cantonment Magistrate, or by the Superintendent of Residency Bazaars at Hyderabad, or by an Attaché to the Resident sitting at Secunderabad, or Hyderabad, or by the Judicial Superintendent of Railways, His Highness the Nizam's Dominions, shall be made through the First Assistant Resident;

(*b*) by any Civil Judge in the Hyderabad Assigned Districts, other than the Judicial Commissioner or by any District Magistrate in the Hyderabad Assigned Districts, shall be made through the Judicial Commissioner;

(*c*) by a Magistrate in the Hyderabad Assigned Districts, subordinate to the Magistrate of the District, shall be made through the Magistrate of the District and the Judicial Commissioner;

(*d*) by the Judicial Commissioner, Hyderabad Assigned Districts, or by the First Assistant Resident at Hyderabad, shall be submitted directly to the Resident;

(*e*) each officer through whom such report is forwarded shall record his opinion on the case for the information of the Resident.

28. The Resident may call for the record of any proceedings taken under Section 25 or 26, and pass such order thereon as he thinks fit.

29. Any advocate or pleader suspended or dismissed under these rules shall forthwith deliver up his certificate to the Court conducting the enquiry on which he was so suspended or dismissed, or to any Court or Officer to which the Resident may order him to deliver up the same.

CHAPTER VI.

REMUNERATION OF ADVOCATES AND PLEADERS.

30. The charges payable by any party in respect of the fees of his adversary's advocate or pleader shall be as follows:—

(*a*) In all regular suits and appeals which may be instituted in the Court of the Resident, or in any Court subordinate to it for money for damages, or for property of any description, the fees payable shall not exceed 3 per cent. on the amount or value of the claim: Provided that no higher fee than Rl,000 shall be awarded in any case.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Rules regulating Legal Practitioners in the Court of the Resident at Hyderabad and in Courts subordinate to it—continued.

Exception.—The Resident may, at his discretion, award a fee not exceeding Rs2,000 in any suit prosecuted in his Court.

(*b*) In cases in which the money-value of a claim is not apparent on the face of the plaint, the fees payable will be calculated on the amount of the claim which would be covered by the Court-fees affixed to the plaint.

Illustration.—If a Court-fee stamp of Rs10 is affixed to a plaint for a declaratory decree, the value of the suit for the calculation of advocates' or pleaders' fees is considered to be Rs130.

(*c*) Fractions of rupees will be omitted in calculating the amount of fees payable.

(*d*) The fees of one advocate or pleader only will be allowed as costs in a suit.

(*e*) The fees mentioned in the foregoing clauses of this section will include fees for conducting execution of a decree when the advocate or pleader employed for this purpose was engaged in the original prosecution of the suit.

(*f*) In proceedings for execution of a decree in which a new advocate or pleader is engaged, and in miscellaneous suits, the fees shall be one-fourth of the amount specified in the preceding portion of this section.

31. When a suit is brought to enforce an agreement between an advocate or pleader and his client with regard to the amount or manner of payment for the whole or any part of any services rendered, charges incurred or disbursements made in connection with business transacted by such advocate or pleader, the Court may, if the agreement is not proved to be fair and reasonable, reduce the amount payable under it, or may order the agreement to be cancelled, and the costs, charges, and disbursements connected with the business done to be ascertained in the same manner as if no such agreement had been made.

32. An agreement between an advocate or pleador and his client shall bar any further claim on the part of the advocate or pleader beyond the terms of the agreement with respect to any services, fees, charges, or disbursements in relation to the conduct and completion of the business in respect of which the agreement is made, except such services, fees, charges, or disbursements, if any, as are expressly excepted by the agreement.

33. A provision in any such agreement that the advocate or pleader shall not be liable for negligence, or that he shall be relieved from any responsibility to which he would otherwise be subject, as such advocate or pleader, shall be void.

CHAPTER VII.

PENALTIES.

34. Any person who practices in any Court in contravention of the provisions of these rules shall be liable by order of such Court, to a fine not exceeding Rs500, and in default of payment to imprisonment in the civil jail for a term not exceeding six months.

He shall also be incapable of maintaining any suit for, or enforcing any lien with respect to, any fee or reward for, or with respect to anything done or any disbursement made by him as an advocate or pleader, while he has been contravening the provisions of these rules.

35. Any advocate or pleader failing to deliver up his certificate as required by Section 29 shall be liable, by order of the Court to which the delivery should be made, to a fine not exceeding two hundred rupees, and, in default of payment, to imprisonment in the civil jail for a term not exceeding three months.

36. Any advocate or pleader who, under the provisions of these rules, has been suspended or dismissed, and who, during such suspension or after such dismissal, practises as a pleader in any court, shall be liable, by order of such Court, to a fine not exceeding five hundred rupees, and, in default of payment, to imprisonment in the civil jail for a term not exceeding six months.

37. Every order under Sections 34, 35, and 36 shall be subject to revision by the Resident.

38. Whoever commits any of the following offences :—

(*a*) Solicits or receives from any advocate or pleader any gratification in consideration of procuring or having procured his employment in any legal business ;

(*b*) retains any gratification out of remuneration paid or delivered, or agreed to be paid or delivered, to any advocate or pleader, for such employment ;

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Rules regulating Legal Practitioners in the Court of the Resident at Hyderabad and in Courts subordinate to it—concluded.

(c) being an advocate or pleader, tenders, gives, or consents to the retention of any gratification for procuring or having procured the employment in any legal business of himself or any other advocate or pleader;

shall be punished on conviction by a Magistrate of the first class with simple imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

FORM A.

In the Court of the————————————.

Dated———————— *188* .

To————————————————

In conformity with the rules made by the Government of India for the Court of Resident at Hyderabad and the Courts subordinate to it, you are hereby authorized to practice as a pleader in the Court of the Resident at Hyderabad and in all Courts subordinate to it.

This certificate is subject to renewal as required by the rules.

Judicial Commissioner.

FORM B.

In the Court of the————————————.

Dated———————— *188* .

To ————————————————

In conformity with the rules made by the Government of India for the Court of the Resident at Hyderabad and the Courts subordinate to it, you are hereby authorized to practise as a pleader in all Courts subordinate to that of the Resident at Hyderabad.

This certificate is subject to renewal as required by the rules.

Judicial Commissioner.

[See *Hyderabad Residency Orders*, Supplement, dated 2nd April, 1883, page 75.]

Rules as to levy of the Town Fund Assessment.

No. 52, dated the 10th April, 1884.—In supersession of so much of Notification No. 11,* dated the 27th January, 1875 (Department of Revenue, Agriculture and Commerce), as relates to the levy of the Town Fund Assessment in the Hyderabad Assigned Districts, the Governor General in Council is pleased to authorize the levy of this Cess in places where municipalities have not been regularly constituted under Act IV of 1873, in accordance with the following Rules:—

I. The Town Fund shall be assessable on all persons dwelling or personally working for gain or carrying on business within the Hyderabad Assigned Districts, any part of whose income is derived from any source other than agriculture.

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* This Notification is set out on page 116.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

***Rules as to levy of the Town Fund Assessment*—continued.**

Provided that no person whose estimated income derived from any source other than agriculture is less than two hundred rupees shall be assessed to the above tax; that no person shall be assessed to the said tax at a rate exceeding one per centum on his estimated income derived from any source other than agriculture, and that no person shall be assessable to the said tax at a sum exceeding five hundred rupees per annum.

* Provided also that, in the computation of the income to be assessed, there shall be deducted from the full annual income of the assessee (*a*) the sum of two hundred rupees, being the minimum assessable income under these Rules; and (*b*) subject to any conditions or restrictions which the Resident may prescribe in this behalf, such portion, if any, not exceeding one-sixth of the full annual income as is paid by the assessee in respect of life assurance, pension or provident funds.

The above Rules do not apply to the levy of the Town Fund assessment in municipalities, all municipal taxes being imposed and collected in accordance with the provisions of Act IV of 1873.

[See *Gazette of India*, 12th April, 1884, Part I, page 145.]

Notification repealing certain Acts.

No. 3567 I., dated the 22nd September, 1884.—The Acts mentioned in the Schedule hereto annexed are repealed in the Hyderabad Assigned Districts, with effect from the date specified in the fourth column thereof opposite each Act:—

Schedule.

Acts.			Dates from which repeal is effect.
Number.	Year.	Subject.	
XIV	1813	Salt	11th May, 1877.
XXXVI	1855	Salt	Ditto.
XIX	1862	Salt	Ditto.
VII	1864	Salt	Ditto.
XXIV	1867	Administrator-General	The date of this notification.
XIX	1869	Administration of Estates	Ditto.
XXI	1869	European Vagrancy	Ditto.
XXVIII	1871	European Vagrancy	Ditto.
XXI	1872	Native Military Lunatics	Ditto.
X	1874	Salt	11th May, 1877.

[See *Gazette of India*, 27th September, 1884, Part I, page 397.]

* This proviso is an amendment of the original proviso and was substituted by Notification No. 47, dated the 30th April, 1886—See *Gazette of India*, 1st May, 1886, Part I, page 300. It is quoted on page 89.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Rules regarding Jaglias.

I. Jaglias shall be appointed to villages according to the scale indicated by the black ink figures in the table attached; provided—

(*a*) That villages of which one man is Patel may, when they are near to one another, be treated as one village.

(*b*) That in villages in which town police are maintained, the Commissioner shall decide how many Jaglias should be kept up.

(*c*) That it shall be optional to Patels of villages, which are uninhabited, or in which the number of houses does not exceed 50, not to appoint a Jaglia, and to do the work themselves, and receive the emoluments; but in the case of inhabited villages the concession here made may be withdrawn if the Patel proves negligent.

(*d*) That the Commissioner may sanction departures from the scale in any special case which may be represented to him.

II. It shall be optional with the Patel, or, if there be more than one, with the Revenue Patel to cause Jaglias to be appointed according to the antique figures of the table, or not to appoint them and to take their pay himself.

III. Jaglias shall be nominated by Patels, subject to confirmation as follows:—

Sadr tahsilis	by the Taluk Officer.
Outlying tahsilis at which a Taluk Officer is stationed or in camp	by the Taluk Officer.
Other cases	by the Tahsildar.

IV. Patels are bound to make enquiry regarding the antecedents of persons whom they nominate, and will be held responsible, should they be found to have nominated, without bringing the fact to notice, any person who has been discharged from the Government service, or who has been criminally convicted, or regarding whom there may be other reasons for doubt. They will also be responsible for reporting things which may come to their knowledge, regarding the antecedents of a Jaglia after he has been appointed.

This rule is not intended to prohibit absolutely the appointment of persons who have been discharged from Government service, and the like, but only to ensure that the fact of discharge shall be known to the confirming officer, so that he may consider whether the man is a proper person to be appointed a Jaglia or not.

V. Persons nominated by Patels shall appear personally before the confirming officer accompanied by the Patel. If the Patel should be for any reason unable to attend personally, he shall send with the Jaglia a petition under his own signature by way of introduction.

VI. The confirming officer shall assure himself—

(*a*) that the person nominated has been vaccinated;

(*b*) that his antecedents and character are good; and

(*c*) that he is not physically unfit for office.

The third test should not be severely applied; many an old man will make a more trustworthy Jaglia than a younger and stronger man, and it is not intended that in ordinary cases any special enquiry should be made regarding (*b*). It will suffice for the confirming officer to ask a few questions. Other enquiry should be made only when reason for doubt exists.

VII. Tahsildars are strictly prohibited from employing or retaining Jaglias at tahsils, except on occasions when the doing so is clearly necessary. They are also forbidden to transfer Jaglias from one village to another.

VIII. Jaglias shall wear a leather belt, with a brass badge inscribed with the words Jaglia No.—

Mauza	
Tahsil	

and a turban and coat of such pattern and material as the Commissioner, Hyderabad Assigned Districts, may from time to time direct. The cost of these articles shall be defrayed by Government. The coat and turban shall be renewed annually.

IX. In villages in which there are two Patels, the Taluk Officer shall, in case of dispute, determine how the Jaglias shall be distributed between them. The general rule will be that at ordinary times Jaglias shall be available as much as possible for watch and ward, but that at the collecting season they shall give every needful assistance to the Revenue Patel. Every Jaglia without exception shall be deemed to be available for both police and revenue duties.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Rules regarding Jaglias—continued.

X. The annual pay of the Jaglias appointed, under Rule I* and shown in black ink figures in the table appended, shall be according to the following scale:—

* *I.e.* of the obligatory Jaglias.

(1)	For villages of classes I, II and III	Rs. 25	per annum.
(2)	Ditto class IV	„ 18¾	do.
(3)	Ditto classes V, VI and VII	„ 50	do.
(4)	Ditto do. VIII and IX	„ 62½	do.

The annual pay of the optional Jaglias shown in antique figures in the table appended shall be, without exception, Rs. 25 per annum.

XI. The pay of the Jaglias shall be disbursed at tahsils on the 10th day of April, July, October and January.

XII. Patels may grant leave of absence to Jaglias up to one week, but must report having done so, and will be responsible that the duties of the Jaglia are not neglected.

For longer periods the sanction of the Tahsildar, or, if the period exceeds three months, of the Taluk Officer, must be obtained, and Jaglias taking such leave will usually be required to give substitutes.

XIII. Jaglias may be dismissed—

(*a*) by the Patel at pleasure;

(*b*) on proof of misconduct by the Revenue Officer, to whom it would by rule fall to appoint a Jaglia. Such cases should be reported to the Deputy Commissioner, to whom an appeal will also lie.

Revenue officers shall not call in question the discretion of a Patel in dismissing a Jaglia, except in such extreme cases as would justify the dismissal or punishment of the Patel himself.

XIV. Cases of villages in which Jaglias hold inams should be specially considered and the rules applied only as far as they are applicable.

Rules regarding Jaglias in Jagir Villages.

XV. Every Jagirdar is to give to the Tahsildar a nominal list of Jaglias on the 1st of April, a copy of which will be sent to the Chief Constable of the range. They should be engaged on the same scale as in khalsa villages.

XVI. He shall report all changes during the year.

XVII. He shall provide every Jaglia with a belt and badge of the district pattern.

XVIII. Failing compliance with these rules, the Deputy Commissioner will recover full cess from him, and appoint all the Jaglias.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Rules regarding Jaglias in Jagir Villages—concluded.

Table showing the sanctioned scale of Jaglias for villages according to the number of houses in them, and their land revenue and cess income.

Classification of villages according to the number of houses in them.	NUMBER OF JAGLIAS FOR VILLAGES YIELDING						Remarks.
	Land Revenue not exceeding R250 and cess not exceeding R15-10-0.	Land Revenue between R250 and R500 and cess income between R15-10-0 and R31-4-0.	Land Revenue between R500 and R2,000, and cess income between R31-4-0 and R125.	Land Revenue between R2,000 and R4,000 and cess income between R125 and R250.	Land Revenue between R4,000 and R5,000 and cess income between R250 and R312-8-0.	Land Revenue between R5,000 and R7,500 and cess income between R312-8-0 and R468-12-0.	Land Revenue between R7,500 and R10,000 and cess income between R468-12-0 and R625.	
Class I.—Uninhabited	...	...	1	1+1	1+2	1+3	1+4	And so on, one additional jaglia for every R2,500 of revenue.
,, II.—With houses not exceeding 50	...	1	1	1+1	1+2	1+3	1+4	
,, III.—With houses between 50 and 100	1	1	1	1+1	1+2	1+3	1+4	
,, IV.—With houses between 100 and 200	1	1	1	1+1	1+2	1+3	1+4	
,, V.—With houses between 200 and 400	2	2	2	2	2+1	2+2	2+3	
,, VI.—With houses between 400 and 600	3	3	3	3	3	3+1	3+2	
,, VII.—With houses between 600 and 1,000	4	4	4	4	4	4	4+1	
,, VIII.—With houses between 1,000 and 1,250	5	5	5	5	5	5	5	
,, IX.—With houses more than 1250	The scale for villages under this class will be separately considered, *vide* paragraph 3rd Book Circular.							

[Resident's Book Circular No. I of 1884.]

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Rules regulating the Admission of Pleaders and Authorised Agents in Revenue Cases.

I.—In these Rules—

"Pleader" means a person who is authorised to practise under the Rules regulating legal practitioners in the Court of the Resident at Hyderabad and the Courts subordinate to it.

"Authorised Agent" means a relative, a permanent servant, or a person holding a special power of attorney not being a professional practitioner, whom the Court may admit as a fit person to represent a party.

II.—Revenue business must ordinarily be transacted by the parties in person. Parties exempted or incapacitated by sickness or other sufficient cause from personal attendance in Court, or parties, who, though present themselves, receive the special permission of the Court, may, under the rules specified below, employ pleaders or authorised agents to represent them, or to conduct their cases.

III.—Pleaders may be allowed to appear in all cases of such intricacy or difficulty that the Court considers it necessary or advisable, on grounds to be recorded in the proceedings, that a pleader should be employed: and in all cases the object of which may be to prosecute a claim against Government.

IV.—Authorised agents may be employed in all cases in which the Court may see sufficient reason to grant the permission.

V.—Pleaders' fees shall not be allowed in revenue matters, and pleaders are required to make their own arrangements for remuneration with their clients; of these arrangements no Court shall take judicial cognizance.

VI.—The provisions of Chapters V and VII of the Rules regulating legal practitioners shall, so far as they may be applicable, apply to a pleader allowed to conduct a case under these rules. Provided that every report required by those chapters to be made by a Court to the Resident about the pleader's misconduct, &c., should be sent, when such Court is presided over by an officer below the rank of the Deputy Commissioner, through the Deputy Commissioner and the Commissioner, and when presided over by the Deputy Commissioner, through the Commissioner, who shall also record his own opinion on the case for the information of the Resident.

VII.—These Rules shall not affect cases in which special provision has been made for the employment of agents by any rules or legislative enactments, nor shall they apply to a goomasta appointed under the rules relating to village officers.

[*See Hyderabad Residency Orders*, 15th May, 1884, Part I, page 68.]

Rules regarding the Levy of Process-fees by Revenue Officers.

No. 121, dated the 17th June, 1884.—The following Rules regarding the levy of process-fees by Revenue Officers sanctioned by the Government of India, in their letter No. 369 R., dated 23rd May, 1884, are published for information and guidance:—

"As considerable doubt and divergence of practice appears to exist in regard to the issue of processes by Revenue Officers when performing executive functions and not acting as Revenue Courts, and the fees chargeable thereon, the Governor General in Council is pleased to issue the following instructions on the subject.

"2. The attention of Revenue Officers is directed to the rules for the service of processes framed under section 20 of the Court Fees Act (VII of 1870), published in *Residency Orders*,* dated 13th December 1872, which will govern, as heretofore, the levy of fees in proceedings before a Revenue Court.

"These rules are to be held to be generally applicable so far as consistent with the instructions now conveyed to the issue of formal processes in revenue proceedings conducted by an officer in an executive capacity.

"3. Whenever, on an application made by a petitioner in such proceedings conducted by an officer in an executive capacity, it appears necessary, for the purpose of making the enquiry prayed for by the petitioner, to summon any person, or to issue any other process or notice, the petitioner shall be required to deposit process fees at the rate prescribed in the rules under the Court Fees Act aforesaid as payable in suits of the lowest valuation, and shall also deposit diet money in accordance with the rules in force in Civil Courts.

"4. Such processes as aforesaid shall be served by the peons attached to the tahsil.

* See now the Rules published under Notification No. 59, dated the 2nd April, 1895, *Hyderabad Residency Orders*, 15th April, 1895, Part I, p. 47. They are quoted on page 63.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Rules regarding the Levy of Process-fees by Revenue Officers—continued.

"5. The presiding officer may dispense with the levy of any process-fee when the parties from whom it is leviable appear to be paupers, or for any other sufficient reason.

"6. In cases in which Government is directly interested, Revenue Officers are empowered to pay diet money to persons summoned even when the process is not issued at the instance of the Government if it appears that the party at whose instance the process issued has sufficient cause for desiring the attendance of the persons summoned.

"7. No diet money will be given to village officers who are summoned in any matter connected with their official duty.

"8. Informal processes requiring the attendance of persons issued otherwise than on application of a petitioner or on behalf of Government may, at the discretion of the presiding officer, be directed to a village official either by post or by any other more convenient mode for communication to the parties concerned.

"9. When a process is issued for realization of a balance due to Government, whether on account of land revenue or of any other demand, a process fee of 8 annas shall be leviable from the person against whom the process issues, and shall be recoverable as part of the said demand.

"10. It shall be in the discretion of the officer passing final orders on a revenue case, or application in which two parties are concerned, and in which processes have issued, to pass such orders as he may think fit in regard to the payment of the costs by either of the parties. Such costs shall be recoverable by summary process in the same way as arrears of land revenue.

"11. Separate registers of process-fees realized by Revenue Officers, whether as Revenue Courts or in an executive capacity, will be maintained, and where the income is sufficient, additional peons may, with the sanction of the Commissioner, be appointed.

"12. Officers of the Sadar will issue their processes through the tahsildar, and will credit their receipts to the tahsil through which the process issues."

[*See Hyderabad Residency Orders*, 1st July, 1884, Part I, page 89.]

Notification cancelling Notification declaring Act XXII of 1864 in force.

No. 1799 I, dated the 3rd June, 1885.—The notifications of the Government of India in the Foreign Department noted below are hereby cancelled :—

(*a*) * * * * * * * * * * * *

(*b*) Notification No. 212 (Judicial), dated 24th October, 1873, in so far as, subject to the exceptions and modifications therein mentioned, Act XXII of 1864 was thereby declared to apply to the Hyderabad Assigned Districts.

[See *Gazette of India*, 6th June, 1885, Part I, page 325.]

The Berar Rural Boards Law, 1885.

Preamble. *No. 3585-I., dated the 22nd October, 1885.*—Whereas certain revenues are applicable to local purposes in each of the Hyderabad Assigned Districts, namely :—

(*a*) the surplus of the jaglis and local cess levied in respect of land situated beyond the limits of municipalities and of villages in which Book Circular XIV of 1881 is in force;

(*b*) the proceeds of the town-fund assessment and bazaar-cess levied beyond those limits;

(*c*) the portion of the land-revenue set aside by the Government, and the sums levied by the Government from jagirdars, for the construction and maintenance of roads; and

(*d*) the proceeds of the cess levied for the establishment and maintenance of schools:

and whereas it is expedient to make better provision for the constitution of local bodies in each of those districts to administer the expenditure of those revenues and of the income accruing from certain other sources of revenue which may, from time to time, be made applicable to the like purposes; His Excellency the Viceroy and Governor General in Council is pleased to issue the following orders :—

Short title, extent, commencement, and power to make rules in anticipation of Law coming into force. 1. (*1*) These orders may be called the "Berar Rural Boards Law, 1885," and are hereinafter referred to as "this Law";

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

The Berar Rural Boards Law, 1886—continued.

(2) This Law extends to the territories known as the Hyderabad Assigned Districts: and

(3) It shall come into force on the first day of January, 1886.

(4) The power conferred by this Law on the Resident to make rules or to issue orders may be exercised at any time after the publication of this Law; but a rule or order so made or issued shall not take effect until the Law comes into force.

Definition of "prescribed."

2. In this Law, unless there is something repugnant in the subject or context,—

"Prescribed" means prescribed by rules made under this Law.

Exclusion of certain areas from taluks and districts.

3. Such portions of each taluk and district as are for the time being included in the limits of a municipality, or of a civil station, or of a village in which Book Circular XIV of 1881 is in force, shall, for the purposes of this Law, be deemed not to form part of the taluk and district.

Establishment of district and taluk boards.

4. There shall be established for each district a district board having authority over the district, and for each taluk a taluk board which shall in the taluk be the agent of the district board, and, as such agent, have such authority and discharge such duties as the district board may, by written authority in that behalf, from time to time, confer or impose upon it.

Constitution of taluk boards.

5. (1) The taluk board for a taluk shall consist of so many elected members and so many nominated members as the Resident may, from time to time, fix in this behalf:

Provided that the nominated members shall not exceed in number one-half of the board.

(2) The elective members of a taluk board shall be elected, in manner prescribed, by persons paying the jaglia and local cess and by persons assessed to the town-fund, respectively, in such proportions as the Resident may, from time to time, direct.

(3) Each of the electoral bodies shall be constituted in manner prescribed, and there may be included in either of them any person paying the jaglia and local cess or assessed to the town-fund, as the case may be, who is a member of the committee established in any village in which Book Circular XIV of 1881 is in force and which, if it had not for the purpose of this Law been excluded from the taluk, would have been deemed to form part thereof;

but neither of the electoral bodies shall consist of less than twenty-five electors.

(4) A person to be qualified for election must, at the time of his election, be an elector.

(5) The nominated members shall be such persons as the Commissioner may, subject to the rules made under this Law, from time to time, nominate in this behalf.

Constitution of district boards.

6. The district board for a district shall consist of so many of the elected members of each taluk board as the Resident thinks fit, elected in this behalf by the taluk board in manner prescribed, and such other persons as the Commissioner may appoint in this behalf:

Provided that—

(a) not less than two-thirds of the elected members of each taluk board, who may be elected members of the district board, shall be persons who were elected members of the taluk board by the electoral body representing the payers of the jaglia and local cess;

(b) the persons appointed by the Commissioner to be members of the district board shall not exceed in number one-half of that board; and

(c) one-half of the persons so appointed shall be persons who are nominated members of taluk boards.

Term of office of members.

7. (1) The term of office of a member of a taluk board, and of a member of a district board, shall be fixed, from time to time, by the Resident by rules made under this Law, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(2) An outgoing member shall, if otherwise qualified, be again eligible for election, nomination or appointment.

Resignation of members.

8. (1) A member of a taluk board or of a district board may resign by notifying, in writing, his intention to do so to the Commissioner; and, on the acceptance by the Commissioner of such resignation, the member shall be deemed to have vacated his office.

Powers of Resident as to removal of members.

9. The Resident may, from time to time, remove any member of a taluk board or district board—

(a) if he refuses to act, or becomes incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

The Berar Rural Boards Law, 1885—continued.

as implies, in the opinion of the Resident, a defect of character which unfits him to be a member;

(*b*) if he has been prescribed by the Government from being employed in its service;

(*c*) if he, being a member of a taluk board, without an excuse sufficient in the opinion of the Resident, neglects for more than three consecutive months to be present at the meetings of that board, or, being a member of the district board, without such sufficient excuse, neglects for more than six consecutive months to be present at the meetings of that board;

(*d*) if his continuance in office is, in the opinion of the Resident, dangerous to the public peace or order; or,

(*e*) when he is a salaried officer of the Government, if his continuance in office is, in the opinion of the Resident, unnecessary or undesirable.

Filling of casual vacancies.

10. (*1*) When the place of an elected member of a taluk board or district board becomes vacant by the resignation or removal of the member or by his death, or otherwise, a new member shall be elected, in manner prescribed, to fill the place:

Provided that the Commissioner may, subject to the limitation of the proportion of nominated members of a taluk board fixed by section 5, sub-section (*1*), and to the limitation of the proportion of appointed members of a district board fixed by proviso (*b*) of section 6, direct in any such case that the vacancy shall be left unfilled.

(*2*) When the place of a nominated member of a taluk board or an appointed member of a district board becomes vacant as aforesaid, the Commissioner may, if he thinks fit, but subject to the rules made under this Law, and in the case of an appointed member, to proviso (*c*) of section 6, nominate or appoint, as the case may be, a new member to fill the place.

(*3*) A person elected, nominated, or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but shall be again eligible for election, nomination, or appointment.

Incorporation of district boards.

11. Every district board shall be a body corporate by the name of the district board of its district, and shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to any rules made by the Resident under this Law, to transfer any such property held by it, and to contract and do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

Time for taluk and district boards coming into existence.

12. The several taluk boards and district boards constituted under this Law shall come into existence at such time as the Resident may, by notification in the *Residency Orders*, fix in this behalf.

Duties of District Boards.

Matters to be administered by district boards.

13. Every district board shall, so far as the funds at its disposal will permit, but subject to such exceptions and conditions as the Resident may, from time to time, make and impose, provide for the control and administration of the following matters within the area subject to its authority:—

(*a*) the construction, repair, and maintenance of public roads and other means of communication;

(*b*) the establishment, management, maintenance, and visiting of primary and middle-class schools, and of hospitals, dispensaries, markets, rest-houses, serais, and other public institutions, and the construction and repair of all buildings connected with these institutions;

(*c*) the construction and repair of public wells, tanks, and waterworks, the supply of water from them and from other sources, and the preservation from pollution of water for drinking, cooking and bathing purposes;

(*d*) the planting and preservation of trees on the sides of roads and on other public ground;

(*e*) the establishment and maintenance of such relief-works in time of famine or scarcity as may be entrusted to the charge of the board by the Commissioner;

(*f*) the establishment and management of pounds, including, where the Cattle Trespass Act, 1871, is in force, such functions of the Local Government and the Magistrate of the District under that Act as may be transferred to the district board by the Resident;

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

The Berar Rural Boards Law, 1885—continued.

(*g*) the management of public ferries;
(*h*) the holding and management of fairs, agricultural shows, and industrial exhibitions;
(*i*) the maintenance of any building or other property vested in the Government or in the district board; and
(*j*) any other local works or measures likely to promote the health, comfort, or convenience of the public.

Joint Committees.

Joint committees.

14. (*1*) A district board may, from time to time, concur with any other district board, or with the committee of any municipality, or with more than one such board or committee, in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of the joint committee, and in delegating to the joint committee any power which might be exercised by either the board or the committee or by any of the boards or committees, and in framing and modifying regulations as to the proceedings of the joint committee.

(*2*) If any difference of opinion arises between boards or committees acting under this section, the decision thereon of the Commissioner shall be final.

Relations between District Boards and Municipal Committees.

Relations between district boards and municipal committees.

15. (*1*) All correspondence between the district board of a district and the committee of a municipality in the district shall pass through the office of the Deputy Commissioner.

(*2*) If, in any case not provided for in section 14, a difference of opinion arises between such board and committee, it shall be referred to the Deputy Commissioner, whose decision thereon shall be final.

Conduct of Business.

Chairman and vice-chairman.

16. (*1*) Every district board and taluk board shall, from time to time, elect one of its members to be chairman, and another to be vice-chairman, for one financial year at all meetings at which they are present:

Provided that, when the Deputy Commissioner is a member of the district board, he shall be chairman, and when a tahsildar, or other officer superior in rank to a tahsildar, is a member of a taluk board, he shall be chairman of that board.

(*2*) If the chairman or vice-chairman dies, resigns, or becomes incapable of acting, the district board or taluk board shall elect another of its members to be chairman or vice-chairman, as the case may be, for the period during which the person so dying, resigning, or becoming incapable would have been entitled to continue in office, and no longer.

(*3*) An election under the foregoing provisions of this section shall not be valid until it is approved in the case of the chairman of a taluk board by the Commissioner, and in the case of the chairman of a district board by the Resident.

(*4*) If, when any meeting is held, the office of chairman is vacant, or the chairman is absent from the meeting, the vice-chairman shall be chairman at the meeting, or, if the vice-chairman is absent therefrom, the members present shall appoint one of their number to be chairman thereat.

Power of board to make rules as to conduct of business.

17. Every district board and, with the previous sanction of the district board, every taluk board may, from time to time, make regulations as to the time and place of its meetings, the conduct of proceedings at meetings, the appointment, powers, and proceedings of committees, and the persons by whom receipts may be granted on behalf of the board for money paid under this Law:

Provided that every regulation made under this section must be consistent with this Law and with any rules made thereunder by the Resident.

Officers and Servants.

Employment of officers and servants.

18. Every district board may employ such officers and servants as may be necessary and proper for the efficient execution of its duties and of the duties of the taluk boards in the district, and may assign to such officers and servants such pay as it thinks fit and as may be approved by the Commissioner.

Control of Commissioner over establishments.

19. If, in the opinion of the Commissioner,

(*a*) the number of persons employed by a district board under section 18, or the pay assigned by the district board to those persons, or to any particular person, is excessive, or

(*b*) any such person is unfit for his employment,

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

The Berar Rural Boards Law, 1895—continued.

the district board shall, on the requirement of the Commissioner, reduce the number or pay, or, as the case may be, dismiss the unfit person.

Pensions and allowances of Government officials serving boards.

20. In the case of a Government official, a district board may—

(*1*) if his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the rules of the Government Civil Pension and Leave Codes for the time being in force; and

(*2*) if he devotes only a part of his time to the performance of duties in behalf of the board, contribute to his pension or gratuity and leave-allowances in such proportion as may be determined by the Government.

Pensions and allowances of others.

21. In the case of an officer or servant not being a Government official, a district board may—

(*1*) grant him leave-allowances and, if his monthly pay is less than ten rupees, a gratuity; and

(*2*) if empowered in this behalf by the Resident,

(*a*) subscribe in his behalf for pension or gratuity and leave-allowances under the rules of the Government Civil Pension and Leave Codes for the time being in force; or

(*b*) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance, or annuity shall exceed the sum to which, under the Government Civil Pension and Leave Codes for the time being in force, the officer or servant would be entitled if the service had been service under the Government.

Finance.

Constitution, vesting, and application of district fund.

22. (*1*) There shall be formed for each district a fund, to be called the district fund, and there shall be placed to the credit thereof—

(*a*) the balance which may be available for expenditure in the district on the day on which the district board comes into existence, of—

(i) the fund, consisting of the surplus jaglia and local cess, that had accumulated up to the thirty-first of March, 1882;

(ii) the town-fund, including the surplus jaglia and local cess, annually added thereto since the first of April, 1882, and the bazar-cess, to such amount as may, in the opinion of the Commissioner, fairly represent that portion of the balance of the fund which was levied beyond the limits of municipalities and of villages in which Book Circular XIV of 1881 is in force;

(iii) the fund for the construction and maintenance of roads; and

(iv) the fund for the establishment and maintenance of schools:

(*b*) the surplus, accruing after payment of all jaglia charges, of the jaglia and local cess levied in the district in respect of land situated beyond the limits of municipalities and of villages in which Book Circular XIV of 1881 is in force:

(*c*) the net proceeds of the town-fund assessment and bazar-cess levied in the district beyond those limits:

(*d*) the portion of the land-revenue set aside by the Government, and the sums levied by the Government from jagirdars, for the construction and maintenance of roads in the district:

(*e*) the net proceeds of the cess levied in the district for the establishment and maintenance of schools:

and, subject to such exceptions and conditions as the Resident may, from time to time, make and impose, the following, namely:—

(*f*) the surplus accruing in the district under section 18 of the Cattle-trespass Act, 1871,* after deduction therefrom of expenses incurred in civil stations:

(*g*) the proceeds of public ferries managed by the district board:

(*h*) the sale-proceeds of grass and of the produce of trees on the sides of roads and on other public ground under the control and administration of the district board, and of timber fallen or felled thereon:

* This Act has been extended to Berar—*See* pages 34 and 36.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

The Berar Rural Boards Law, 1885—continued.

(*i*) rents and profits accruing from Government property placed by the Resident under the management of the district board:

(*j*) receipts from property vested in the district board:

(*k*) fines levied under section 34, Act V, 1861,* in respect of offences committed beyond the limits of municipalities;

(*l*) all sums contributed to the district fund by the Government, local bodies, or private persons: and

(*m*) all other sums received by or on behalf of the district board in the carrying out of this Law.

(*2*) The district fund shall be vested in the district board, and the balance standing to the credit of the fund shall be kept in the Government treasury of the district.

(*3*) The district fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the several matters specified in sections 13, 18, 20 and 21 within the area subject to the authority of the district board, and, with the sanction of the Resident, outside of that area, and also to the following purposes:—

(*a*) the payment of school inspectors and normal school teachers appointed and controlled by the Government and employed in the district, and the provision of scholarships and prizes for schools in the district; and

(*b*) the payment of subordinate medical officers (including vaccinators) appointed by the Government and employed in the district.

Annual estimates of income and expenditure.

23. (*1*) Every district board shall appoint a finance committee consisting of not less than three of its number.

(*2*) Every district board shall, on or before the prescribed day in each year, hold a meeting at which the finance committee shall submit to the board, in form prescribed, an estimate of the income and expenditure of the board for the next financial year.

(*3*) The district board shall consider the estimate, and may provisionally approve of it, with or without modification.

(*4*) The district board shall, on or before the prescribed day, cause a copy of the estimate as provisionally approved by it to be sent to the Deputy Commissioner.

(*5*) The Deputy Commissioner may object to the estimate on the ground that any expenditure on salaries, works, or otherwise proposed therein, appears to him to be unnecessary or excessive, or that any particular contained therein appears to him to be erroneous, defective, or improper.

(*6*) If the Deputy Commissioner so objects, he shall signify his objections in writing to the district board; if he does not so object, he shall signify his approval in like manner.

(*7*) When the Deputy Commissioner signifies, under sub-section (*6*), objections to an estimate, the district board shall consider his objections, and either modify the estimate so as to remove them, or refer the estimate, with the statement of objections, through the Deputy Commissioner, to the Commissioner; and the Commissioner shall signify to the district board his approval of the estimate, with or without such modifications as may be needed to remove the objections, wholly or in part, as he thinks fit.

(*8*) When the Deputy Commissioner or Commissioner has signified his approval of an estimate, or the district board has modified an estimate so as to remove the Deputy Commissioner's objections, no expenditure, which is not provided for in the estimate as approved or modified, shall be incurred during the year to which the estimate relates without the previous sanction of the Commissioner.

(*9*) When the Deputy Commissioner is a member of the district board, the Commissioner shall take the place of the Deputy Commissioner for the purposes of this section; and the reference under sub-section (*7*) shall be to the Resident.

Annual accounts and audit.

24. Accounts of the receipts and expenditure of every district board shall be made up to the last day of every financial year in such form as the Resident, from time to time, prescribes; and shall be examined and audited as soon as may be after the end of each financial year by such persons as the Resident from time to time appoints in this behalf.

Inspection of estimates and accounts.

25. The district board shall cause a copy of every estimate provisionally or finally approved under section 23, and of every account made up under section 24, to be kept at its office: and any person may at all reasonable times inspect any such estimate or account.

* This Act has been extended to Berar—*See* pages 29 and 30.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

The Berar Rural Boards Law, 1886—continued.

Publication of abstract of accounts.

26. An abstract of every annual account of a district board showing the income of the district fund under each head of receipts, the charges for establishment, the works undertaken, the sums expended on each work, and the balance, if any, of the fund remaining unspent, shall be prepared by the district board in such form as the Resident from time to time prescribes, and published annually in the *Residency Orders*.

Control.

Deputy Commissioner's power of supervision.

27. (*1*) The Deputy Commissioner of a district shall have power to supervise the proceedings of the district board, and of every taluk board or joint committee in the district, and in exercise of that power may (among other things)—

(*a*) enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by the district board, taluk board, or joint committee, or any work in progress under its direction;

(*b*) call for and inspect any document which may be for the purposes of this Law in the possession or under the control of the district board, taluk board or joint committee;

(*c*) require the district board, taluk board, or joint committee to furnish such statements, accounts, and reports as he thinks fit; and

(*d*) record in writing, for the consideration of any such board or committee, any observations he may think proper in regard to the proceedings or duties of the board or committee.

(*2*) Where a joint committee is appointed by the district boards of several districts, the Deputy Commissioner of any of those districts may exercise a like power in respect of the proceedings of that committee; but if any difference of opinion arises between two or more Deputy Commissioners acting under this sub-section, it shall be referred to the Commissioner.

(*3*) The power given under this section to a Deputy Commissioner in respect of a taluk board may be delegated by him to a subordinate not below the rank of an Extra Assistant Commissioner.

(*4*) When the Deputy Commissioner is a member of the district board, the powers given to him under this section shall, in respect of that board, vest in the Commissioner.

Power to suspend execution of orders.

28. (*1*) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a district board, taluk board, or joint committee, or the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Law, is likely to cause injury or annoyance to the public, or to any class or body of persons, or to lead to a breach of the peace, he may, by order in writing, suspend the execution or prohibit the doing thereof within his district.

(*2*) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Commissioner a copy of the order, with a statement of the reasons for making it; and it shall be in the discretion of the Commissioner to rescind the order, or to direct that it continue in force, with or without modification, permanently or for such period as he thinks fit.

(*3*) The Commissioner shall forthwith submit to the Resident a report of every case occurring under this section; and the Resident may rescind or modify any order made therein, and make in respect thereof any other order which the Commissioner could have made in respect of the same.

Extraordinary powers of Deputy Commissioner in case of emergency.

29. (*1*) In cases of emergency the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a district board or taluk board is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the district board.

(*2*) If the expense and remuneration are not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the district fund to pay the expense and remuneration, or as much thereof as is possible, from that balance.

(*3*) The Deputy Commissioner shall forthwith report to the Commissioner every case in which he uses the powers given to him by this section.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

The Berar Rural Boards Law, 1886—continued.

Power to provide for performance of duties in default of district board.

30. (*1*) When the Commissioner is informed, on complaint made or otherwise, that a district board has made default in performing any duty imposed on it by or under this Law, the Commissioner, if satisfied after due enquiry that the district board has been guilty of the alleged default, may, by an order in writing, fix a period for the performance of that duty.

(*2*) If that duty is not performed within the period so fixed, the Commissioner may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the district board.

(*3*) If the expense and remuneration are not so paid, the Commissioner may make an order directing the person having the custody of the balance of the district fund to pay the expense and remuneration, or as much thereof as is possible, from that balance.

Power to supersede district board in case of incompetence, persistent default or abuse of powers.

31. (*1*) If a district board is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this law or any other law for the time being in force, or exceeds or abuses its powers, the Resident may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the *Residency Orders*, declare the board to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(*2*) When the district board of a district is so superseded, the following consequences shall ensue :—

(*a*) all members of the board and all members of the taluk boards of the district shall, as from the date of the order, vacate their offices as such members;

(*b*) all powers and duties of the district board may, during the period of supersession, be exercised and performed by such person or persons as the Resident, from time to time, appoints in that behalf;

(*c*) all property vested in the district board shall, during the period of supersession, vest in the Government.

(*3*) On the expiration of the period of supersession specified in the order, the taluk boards and district board shall be re-established, and the persons who vacated their offices under clause (*a*) shall not be deemed disqualified for election, nomination, or appointment.

Powers of Commissioner over Deputy Commissioners.

32. In all matters connected with this Law, the Commissioner shall have and exercise the same authority and control over Deputy Commissioners as he has and exercises over them in the general and revenue administration.

Rules.

Power of Resident to make rules.

33. The Resident may, from time to time, make rules consistent with this Law and with reference (if necessary) to the varying circumstances of different local areas—

(*a*) as to the constitution of the electoral bodies to elect the elective members of taluk boards, and as to the method and time of election of elective members of those boards and of district boards;

(*b*) as to the nomination of members of taluk boards, and the appointment of members of district boards;

(*c*) as to the term of office of members of taluk boards and district boards;

(*d*) as to the appointment, powers, and duties of committees of boards, the term of office of members of such committees, and the mode of removing them;

(*e*) as to the conduct of proceedings of district boards and taluk boards including the appointment of secretaries, the fixing of a quorum, the giving of the casting-vote in cases of equal division, the minimum number of meetings to be held, and the maximum interval between successive meetings, and the transmission to the Deputy Commissioner or Commissioner of copies of resolutions passed at meetings;

(*f*) as to the mode of entering into and executing contracts and transfers of property on behalf of district boards, and the authority on which money may be paid from the district fund;

(*g*) as to the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of district boards, and as to the authority by which, and the conditions subject to which, such plans and estimates may be sanctioned;

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

The Berar Rural Boards Law, 1885—continued.

(*h*) as to the accounts to be kept and the appointment and payment of auditors of those accounts;

(*i*) as to the returns, statements, and reports to be submitted by taluk boards and district boards respectively;

(*j*) as to the appointment of the district fund between the general purposes of the district and the purposes of particular parts of the district, and the appropriation of funds raised in a particular area to the purposes of that area;

(*k*) as to the transfer to, and exercise by, district boards of all or any of the functions of the Deputy Commissioner under Book Circular XIV of 1881; and

(*l*) generally, for the guidance of taluk boards, district boards, and officers of Government in all matters connected with the carrying out of this Law and for settling their relations to one another.

Procedure for making rules under section 33.

34. (*1*) The Resident shall, before making any rules under section 33, publish, in such manner as may in his opinion be sufficient for giving information to persons interested, a draft of the proposed rules, together with a notice specifying a date at or after which the draft will be taken into consideration, and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(*2*) Every rule made under section 33 shall be published in the *Residency Orders* in English and in such other language or languages as the Resident may direct; and such publication shall be conclusive proof that the rule has been made as required by this section.

Exceptional Provision.

Power under special circumstances to except districts or taluks from operation of this Law.

35. If the circumstances of any district or taluk are, in the opinion of the Resident, such that any of the provisions of this Law are unsuited thereto, he may, by order in writing, except the district or taluk from the operation of those provisions; and thereupon those provisions shall not apply to the excepted district or taluk until again applied thereto by a subsequent order of the Resident.

Supplemental Provisions.

Acquisition of land.

36. Where any land is required for the purposes of this Law, the Resident may, on the request of the district board, proceed to acquire it under the provisions of the Land Acquisition Act, 1870*; and on payment by the district board of the compensation awarded under that Act, and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the district board. X of 1870.

Penalty on member, officer, or servant being interested in contracts made with district or taluk board or joint committee.

37. (1) If any member, officer, or servant of a district board, taluk board, or joint committee established or appointed under this Law is, otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with that district board, taluk board, or joint committee, he shall be deemed to have committed an offence under the Indian Penal Code, section 168, and shall be liable to removal from office by order of the Commissioner. XLV of 1860.

(2) A person shall not, by reason of being a shareholder in, or a member of, any incorporated or registered company, be held to be interested in any contract entered into between the company and a board or joint committee; but he shall not take part in any proceedings of the board or joint committee relating to any such contract.

Liability of members for loss, waste, or misapplication.

38. Every member of a taluk board or district board shall be liable for the loss, waste, or misapplication of any money or other property belonging to the district board, if such loss, waste, or misapplication is a direct consequence of his neglect or misconduct; and a suit for compensation may be instituted against him in any Court of competent jurisdiction by the district board with the sanction of the Commissioner, or by the Secretary of State for India in Council.

Accounts to be rendered of certain revenues payable into district fund.

39. The Deputy Commissioner shall render to the district board annually, on or before the prescribed day, an account, in form prescribed, of the moneys payable into the district fund under section 22, sub-section (1), clauses (*b*), (*c*), (*d*), (*e*), (*f*), and (*k*).

* This Act has been extended to Berar—*See* pages 33 and 36.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

The Berar Rural Boards Law, 1885—concluded.

40. The Resident may, from time to time, by notification published in the *Residency Orders*, prescribe in what instalments, and at what times, the jaglis and local cess, the town-fund assessments and bazaar-cess, the sums due from jagirdárs for the construction and maintenance of roads, and the cess levied for the establishment and maintenance of schools, shall be payable, and make rules for the collection thereof by village-officers or others.

Powers of Resident to make rules with respect to collection of certain revenues.

[See *Gazette of India*, 24th October 1885, Part I, page 595.]

The Berar Patels and Patwaris Law, 1886.

No. 10-I, dated the 1st January, 1886.—Whereas it is expedient to consolidate and amend the rules relating to the offices of patel and patwari in the Hyderabad Assigned Districts:—His Excellency the Viceroy and Governor General in Council is pleased to issue the following orders:—

1. (*1*) These orders may be called the Berar Patels and Patwaris Law, and are hereinafter referred to as "this law."

(*2*) This law extends to the territories known as the Hyderabad Assigned Districts; and

(*3*) It shall come into force on the first day of January, 1886, but not so as to affect anything done, or any proceedings commenced, before that day.

2. In this law, unless there is something repugnant in the subject or context, the expression "village" means an area for which the office of patel or patwari has been constituted, and includes a group of villages and the sub-division of a village known as a *khel* where at the time of this law coming into force there is a separate patel for the sub-division.

3. (*1*) There shall not be more than one patel in a village if the duties of the office can be efficiently performed by one patel.

(*2*) If there are two or more patels in a village the Deputy Commissioner shall, subject to the rules made under this law, distribute the duties of the office among them in such manner as he deems fit.

4. The area comprised in the circle of a patwari at the time of this law coming into force may, with the sanction of the Resident, be varied for the purpose of securing compactness, but for no other purpose.

5. (*1*) When the office of patel or patwari becomes vacant in any village, except a village held on *jagir* or *palampat* tenure, the Deputy Commissioner shall, subject to the provisions of this law, and of the rules made under this law, appoint a person to fill the vacancy.

(*2*) The Deputy Commissioner shall cause notice of the day on which he will take the appointment into consideration to be given to persons known to be interested therein, and on that day, or on any subsequent day to which an adjournment may be made, shall hear and record any statements those persons may desire to make.

(*3*) The Deputy Commissioner shall in making the appointment have regard to the following matters, namely:—

(a) the law of inheritance applicable to the family by which the office is held,

(b) the custom which has regulated previous tenure of the office, and

(c) the physical, moral, mental, and educational fitness of the persons having any claim to the office,

and shall not appoint a woman if a male relative of the late incumbent of the office exists.

(*4*) If there are two or more patels in a village, and there are two or more families or sub-divisions of a family which have enjoyed the right of service, the patels will ordinarily be selected from different families or sub-divisions.

(*5*) The Deputy Commissioner shall, where the appointment he may make has been opposed, record at length his reasons for deciding in favour of the persons whom he has appointed.

6. (*1*) In a village held on *jagir* or *palampat* tenure the *jagirdar* or *palampatdar* shall, on the occurrence of a vacancy, nominate the patel or patwari, and the Deputy Commissioner may appoint the nominee.

(*2*) If the *jagirdar* or *palampatdar* nominates a person not qualified to perform the duties of the office, or in the nomination disregards without sufficient reason the law of inheritance applicable to the family by which the office is held, or the custom which has regulated previous tenure of the office, the Deputy Commissioner shall refuse to appoint the nominee, and, if a proper person

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

The Berar Patels and Patwaris Law, 1885—continued.

is not nominated within fifteen days from the date of the notice of the refusal being given to the *jagirdar* or *palampatdar*, shall himself appoint a person to the office as though the village were not held on *jagir* or *palampat* tenure.

7. (*1*) Patels and patwaris shall be appointed, subject to the condition of personal fitness, to hold office either for life, or for a term of not less than five or more than ten years.

(*2*) An appointment for a term of years shall not be made without the sanction of the Commissioner.

(*3*) Such an appointment may be sanctioned by the Commissioner in either of the following but in no other cases :—

(*a*) Where it has been the custom, from the commencement of British administration in the Hyderabad Assigned Districts, for two or more families, or two or more sub-divisions of the same family, to hold office in rotation for successive periods ; or

(*b*) where conflicting claims of two or more families, or of two or more sub-divisions of a family, are so evenly balanced as to be irreconcilable with the exclusive choice of any one family or sub-division.

(*4*) An appointment for a term of years may be made in recognition of the claims either of the particular person appointed, or of the family or sub-division of a family to which the person appointed belongs. In the latter case, if, before the expiration of his term of office, the person appointed dies, or becomes physically or mentally unfit to discharge his duties, his successor shall, subject to the condition of personal fitness, be selected from the same family or sub-division of a family, and shall hold office until the person whom he has succeeded would regularly have gone out of office, and shall then go out of office.

8. (*1*) An adult patel or patwari who is temporarily unable to perform his duties personally may, with the sanction of the Deputy Commissioner, appoint an agent to perform them for a period not exceeding one year.

(*2*) The mother of a minor patel or patwari, or, if he has no mother, the person who stands in the relation of guardian to him, may, with the sanction of the Deputy Commissioner, appoint an agent to act for him till such time as he attains his majority.

(*3*) A woman who holds the office of patel or patwari may, with the sanction of the Deputy Commissioner, appoint an agent to perform the duties of her office.

(*4*) The agent shall be a member of the same family or sub-division of a family as his principal, unless the Commissioner sanctions the appointment of some other person.

(*5*) The agent shall have the same powers, and be subject to the same liabilities, as his principal would have and be subject to if he were personally performing the duties of his office.

* (*6*) If a person specified in sub-section (1), sub-section (2) or sub-section (3) of this section fails to appoint an agent as empowered by the sub-section, the Deputy Commissioner may appoint the agent which that person is so empowered to appoint.

9. (*1*) The emoluments appertaining to the office of patel or patwari shall be enjoyed solely by the person for the time being holding the office.

(*2*) If an agent is performing the duties of the office, his remuneration shall be regulated by arrangement between him and his principal or, as the case may be, between him and the mother of, or the person standing in the relation of guardian to, his principal.

(*3*) If there are two or more patels in a village, the Deputy Commissioner shall, subject to the rules made under this law, determine the proportions in which they shall share in the emolument of the office.

10. The emoluments appertaining to the office of patel or patwari shall not be liable to attachment or sale in satisfaction of a decree or order of any Civil or Revenue Court.

11. Every assignment of, and every charge on, and every agreement to assign or charge, any emoluments appertaining to the office of patel or patwari shall be void.

12. (*1*) The Deputy Commissioner may suspend a patel or patwari from office during enquiry into alleged misconduct, and may punish him for misconduct or neglect in the performance of his duties by suspension from office for a period not exceeding six months, or by fine not exceeding one-fourth of the annual emoluments of his office.

(*2*) A fine inflicted under this section may be recovered by distraint and sale of the moveable property of the offender.

13. The Deputy Commissioner may suspend or dismiss an agent for any misconduct or neglect, and may, with the sanction of the Resident, dismiss from office a patel or patwari, in case of fraud, the wilful framing of incorrect records, habitual neglect of duty, or other grave misconduct.

* This clause was added to the law by Notification No 3161 I., dated 25th June, 1886—*See* page 80.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

The Berar Patels and Patwaris Law, 1886—continued.

14. When a patel or patwari, or an agent of a patel or patwari, is convicted by the Court of Session, or by the District Magistrate, of any offence in the discharge of his official duties, the Resident may direct that any title which the family of the patel or patwari who has been convicted, or whose agent has been convicted, may have to the office of patel or patwari, as the case may be, shall be forfeited, either temporarily or permanently, as the Resident deems fit.

15. Before passing an order for the suspension or dismissal of a patel, patwari or agent under Section 12 or Section 13, the Deputy Commissioner shall give him an opportunity of explaining the matters alleged against him and shall record any statement he may desire to make.

16. Notwithstanding anything hereinbefore contained, a vacancy caused by the suspension or dismissal of a patel or patwari may, by order of the Deputy Commissioner, be filled for a period not exceeding six months in the case of suspension, or five years in the case of dismissal, without regard to the law of inheritance applicable to the family by which the office is held or to the custom which has regulated previous tenure of the office.

17. (*1*) An appeal shall lie to the Commissioner from any order passed under this law by a Deputy Commissioner.

(*2*) An appeal shall lie to the Resident from an appellate order of the Commissioner which reverses or modifies an order of the Deputy Commissioner.

(*3*) An appeal shall not be received by the Commissioner after the expiration of sixty days, or by the Resident after the expiration of ninety days from the date of the order complained of.

(*4*) The periods mentioned in sub-section (*3*) shall be computed in the manner prescribed in the Indian Limitation Act, 1877.

18. The Resident may from time to time call for and examine the record of any proceedings held under this law and pass thereon any order consistent with this law which he thinks fit.

19. Orders passed by the Resident under this law shall be final.

20. A Civil Court shall not exercise jurisdiction with respect to any claim by any person to the office of patel or patwari, or to any emolument appertaining to the office, or on account of any injury caused by exclusion from the office:

Provided that nothing in this Section shall be held to prohibit a Civil Court from entertaining a suit for a decree declaratory of social rights appertaining to any person by reason of his connection with a family by which the office of patel or patwari is held.

21. The Resident may from time to time make rules consistent with this law—

(*a*) prescribing the educational qualifications of persons to be appointed patels or patwaris;
(*b*) defining and distributing the duties of patels and prescribing the duties of patwaris;
(*c*) regulating the division of emoluments between patels, where there are two patels in a village, and distribution of emoluments among patels, where there are more than two patels in a village;
(*d*) prescribing the mode of service of notices under this law;
(*e*) regulating procedure of the Commissioner and of Deputy Commissioners under this law; and
(*f*) generally for the guidance of the Commissioner and of Deputy Commissioners in all matters connected with the carrying out of this law.

[*See Gazette of India*, 12th January, 1886, Part I, page 4.]

Exempting certain villages from operation of clause 2, Rule 19 of Berar Settlement Rules.

No. 940 I., dated the 18th March, 1886.—Whereas for the better administration of disputes in the villages of Akoli, Zillah Akola, and of Balgaon, Zillah Amraoti, in the Hyderabad Assigned Districts, it is deemed expedient to appoint an officer with special powers for the settlement of the rates at which tenants of holdings anterior to the date of the jagir shall hold their lands of the jagirdar of the said villages;

The Governor General in Council is pleased to declare that the provisions of clause 2 of rule XIX of the Berar Settlement Rules, issued under the authority of the Government of India, and modified under notification in the Residency Orders No. 118, dated 4th December, 1877, so far as they relate to the rights and status of persons who have occupied land in any jagir or inam, shall be deemed never to have been in operation within the limits of the aforesaid villages of Akoli and Balgaon.

[See *Gazette of India*, 20th March, 1886, Part I, page 259.]

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APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Forest Law, 1886.

No. 3766 I., dated 22nd October, 1886.—Whereas it is expedient to amend the law relating to forests in the Hyderabad Assigned Districts; the Governor General in Council has been pleased to make the following rules:—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. (*1*) These rules may be called the Berar Forest Law, 1886, and are hereinafter referred to as "this Law."

(*2*) This Law extends to the whole of the Hyderabad Assigned Districts:

Provided that the Resident may, by notification in the Residency Orders, exempt any place in those districts from the operation of the whole or any part of it, but not so as to affect anything done or any offence committed, or any fine or penalty incurred, or any proceedings commenced, in that place before the exemption; and

(*3*) It shall come into force on such day as the Resident may, by notification in the Residency Orders, direct.*

Repeal.

2. On and from that day the rules published in the notification of the Government of India in the Department of Revenue, Agriculture and Commerce, No. 520, dated the 25th October, 1871, shall be repealed, but not so as to affect anything done, or any offence committed, or any fine or penalty incurred, or any proceedings commenced, before that day.

Definitions.

3. In this Law, unless there is something repugnant in this subject or context,—

(*1*) "Resident" means the Resident at Hyderabad:

(*2*) "Deputy Commissioner" means the chief executive revenue-officer of the district:

(*3*) "State-forest" means—

(*a*) a forest which, under rule 8 of the rules published in the Notification of the Government of India, No. 520, dated the 25th October, 1871, was declared to be, and at the time of this Law coming into force was, a State-forest; and

(*b*) any land which may be constituted a State-forest under section 4 of this Law:

(*4*) "Forest-officer" means any person appointed by name, or as holding an office, by or under the orders of the Governor General in Council or the Resident, to be a Conservator, Deputy Conservator, Assistant Conservator, Sub-Assistant Conservator, Forest-ranger, Forester, or Forest-guard, or to discharge any function of a Forest-officer under this Law or any rule thereunder:

(*5*) "tree" includes also bamboos, stumps and brushwood:

(*6*) "timber" includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned or hollowed out for any purpose or not:

(*7*) "forest-produce" includes the following things when found in, or brought from, a forest that is to say:—

minerals (including limestone and laterite), surface-soil, trees, timber, plants, grass, peat, canes, creepers, reeds, fibres, leaves, moss, flowers, fruits, seeds, roots, juice, catechu, bark, caoutchouc, gum, wood-oil, resin, varnish, lac, charcoal, honey, wax, skins, tusks, bones and horns;

but it does not include tari or the juice of the sendhi tree:

(*8*) "forest-offence" means an offence punishable under this Law:

(*9*) "cattle" includes also elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids: and

(*10*) "Magistrate" means a Magistrate of the first or second class, and includes a Magistrate of the third class when he is specially empowered by the Resident to try forest-offences.

CHAPTER II.

STATE-FORESTS.

Constitution of State-forests.

4 (*1*) The Resident may, by notification in the Residency Orders, declare any woodland, ramna, permanent grazing ground or other land which is the property of Government and is not already a State-forest, to be a State-forest from a date to be fixed in the notification.

* No Notification under this sub-section bringing this Law into force has as yet been issued.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Forest Law, 1886—continued.

(3) The notification shall describe the situation, and specify the limits, of the land in respect of which the declaration is made, and from the date fixed therein the land shall be deemed to be a State-forest.

(4) The Deputy Commissioner shall, before that date, cause a translation of the notification in the language of the country to be published in the towns and villages in the neighbourhood of the land.

Demarcation of State-forests.

5. Whenever a State-forest is not bounded by a road, stream or other existing well-defined boundary-mark, it shall be demarcated by cleared lines, or in such other manner as the Resident may direct.

Bar of acquisition of rights.

6. No right of any description adverse to Government shall be acquired in or over a State-forest by lapse of time or otherwise than under a grant or contract in writing made by, or on behalf of, the Government.

Power to close roads and pathways.

7. (1) In any State-forest the Conservator may, from time to time, with the previous sanction of the Resident, determine what roads and pathways shall be authorized for public traffic, and cause all other roads and pathways to be closed either permanently or for a time only.

(2) The Conservator shall cause public notice to be given of the closing of any existing road or pathway.

Penalties for trespass or damage in State-forests.

8. Any person who in a State-forest—

(a) trespasses, or pastures cattle, or permits cattle to trespass off any road or pathway authorized for public traffic, or

(b) causes any damage by negligence in felling any tree or cutting or dragging any timber, or

(c) lops, notches, strips off the leaves from or otherwise damages, any tree, or

(d) hunts, shoots, fishes, poisons water, or sets traps or snares,

shall be punished with fine which may extend to fifty rupees, or, when the damage resulting from his offence amounts to more than twenty-five rupees, to double the amount of such damage.

Acts prohibited in State-forests.

9. Any person who—

(a) sets fire to a State-forest, or

(b) kindles, keeps or carries any fire, or leaves burning any fire kindled by him, in such manner as to endanger a State-forest,

or who in a State-forest—

(c) kindles, keeps or carries any fire except at such seasons, and in such manner, as a Forest-officer specially empowered in this behalf may from time to time notify, or

(d) fells, girdles, marks, taps, strips off the bark from, or uproots or burns any tree, or

(e) quarries stone or moorum, burns lime or charcoal, or collects, subjects to any manufacturing process or removes any forest produce, or

(f) makes any dhya, or clears, cultivates or breaks up any land for cultivation or any other purpose,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, and shall also be liable to pay such sum as compensation for damage done to the forest as the convicting Court may direct.

Acts excepted from prohibitions contained in sections 8 and 9.

10. (1) Nothing in section 8 or section 9 shall be deemed to prohibit any act done—

(a) with the permission of a forest-officer specially empowered to give such permission; or

(b) in pursuance of any permission granted by the Resident; or

(c) in accordance with any rules made by the Resident with the previous sanction of the Governor General in Council.

(2) The permission of the Forest-officer referred to in clause (a) of sub-section (1) shall be in writing, and shall only authorize the doing of some particular act on some particular occasion.

(3) The permission referred to in clause (b) of that sub-section may be a general permission to a person to pasture his cattle, or to collect and remove any forest-produce for the use of himself and his family, but not for the purposes of trade.

(4) The rules referred to in clause (c) of that sub-section may be applied by the Resident, by

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Forest Law, 1886—continued.

notification in the Residency Orders, to all or any State-forests or to any part of a State-forest, and may, with respect thereto,—

(i) regulate the cutting, sawing, conversion and removal of trees and timber, the cutting of grass and pasturing of cattle, and the collection and removal of forest-produce ;

(ii) regulate the quarrying of stone or moorum, the boiling of catch and the burning of lime or charcoal ;

(iii) regulate hunting, shooting, fishing, poisoning water, and setting traps or snares ;

(iv) prescribe, or authorize any Forest-officer to prescribe, subject to the control of the Resident, the fees, royalties or other payments for timber or other forest-produce, and the mode in which such fees, royalties or other payments shall be levied, whether in transit or partly in transit, or otherwise.

(5) The Resident may cancel any permission given by a Forest-officer or withdraw any privilege granted by himself, and may, by notification in the Residency Orders, cancel or modify, with the previous sanction of the Governor General in Council, all or any rules made under this section.

Power to declare forest no longer State-forest.

11. (*1*) The Resident may, with the previous sanction of the Governor General in Council, by notification in the Residency Orders, direct that, from a date fixed by such notification, any State-forest or any portion thereof shall cease to be a State-forest.

(*2*) From the date so fixed such forest or portion shall cease to be a State-forest.

CHAPTER III.

FOREST-PRODUCE IN TRANSIT.

Power to establish forest-station.

12. The Conservator may, subject to the control of the Resident, establish stations for the examination of timber and other forest-produce, and for the collection of dues leviable in respect of the same, within the limits of or outside any State-forest.

Power to prescribe routes for removal of timber and other forest-produce.

13. (*1*) No timber or other forest-produce shall be taken out of any State-forest, except by a route on which such a station has been established or of which the use for the removal of timber or other forest-produce has been specially authorized by the Conservator.

(*2*) A full description of every such route shall be fixed up by the Forest-officer in charge of the forest-division in the towns and villages in the neighbourhood of the forest served by the same.

Timber and other forest-produce in transit to be covered by pass.

14. (*1*) No timber or other forest-produce, whether the produce of a State-forest or of other land, shall be taken along any route authorized for the removal of timber or other forest-produce under section 13, unless covered by a pass issued by a Forest-officer whom the Conservator has duly authorized in that behalf, or by the owner of the land, as the case may be.

(*2*) Such pass shall state the quantity and kind of timber or other forest-produce so taken, and the marks, if any, which it bears.

Penalties for breach of provisions of sections 13 and 14.

15. Any person who contravenes the provisions of section 13 or section 14 shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Power to exempt from operation of sections 13 and 14.

16. A general exemption from the operation of section 13 or section 14, or both sections,—

(*a*) with respect to any class of timber or other forest-produce, or

(*b*) with respect to all timber or other forest-produce, in favour of the inhabitants of any specified locality,

may be granted by a Forest-officer specially empowered in this behalf.

CHAPTER IV.

CATTLE-TRESPASS.

Application of Cattle-trespass Act, 1871.

17. Cattle trespassing in a State-forest shall be deemed to be cattle doing damage to a public plantation within the meaning of the Cattle-trespass Act, 1871, I of 1871, section 11, and may be seized and impounded as such by any Forest-officer or Police-officer.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Forest Law, 1866—continued.

Power to alter fines fixed by that Act.

16. The Resident may, by notification in the Residency Orders, direct that, in lieu of the fines fixed by section 12 of the aforesaid Act, there shall be levied for each head of cattle impounded under section 17 of this Law such fines as he thinks fit, but not exceeding the following (that is to say):—

	Rs.	A.
For each elephant	10	0
For each buffalo or camel	2	0
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer	1	0
For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid	0	8

CHAPTER V.

PENALTIES AND PROCEDURE.

Seizure of property liable to confiscation, and report thereof.

19. (*1*) When there is reason to believe that a forest-offence has been committed in respect of any timber or other forest-produce, such timber or produce, together with all tools, boats, carts and cattle used in committing such offence, may be seized by any Forest-officer or Police-officer.

(*2*) Every officer seizing property under this section shall place thereon, or on the receptacle (if any) in which it is contained, a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

Provided that, when the timber or other forest-produce with respect to which such offence is believed to have been committed is the property of Government and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

Procedure thereupon.

20. Upon the receipt of any such report, the Magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the property according to law.

Timber, forest-produce, tools, &c., when liable to confiscation.

21. (*1*) When any person is convicted of a forest-offence, all timber or other forest-produce in respect of which such offence has been committed, and all tools, boats, carts and cattle used in committing such offence, shall be liable, by order of the convicting Magistrate, to confiscation.

(*2*) Such confiscation may be in addition to any other punishment prescribed for the offence.

Disposal, on conclusion of trial for forest-offence, of timber or produce in respect of which offence was committed.

22. When the trial of any forest-offence is concluded, any timber or other forest-produce in respect of which such offence has been committed shall, if it is the property of Government, or has been confiscated, be taken possession of by a Forest-officer specially empowered in this behalf, and may, in any other case, be disposed of in such manner as the Cor t may order.

Procedure when offender not known or cannot be found.

23. (*1*) When the offender is not known or cannot be found, the Magistrate enquiring into the offence, if he finds that an offence has been committed, may, on application in this behalf, order the property in respect of which the offence has been committed to be confiscated and taken possession of by a Forest-officer specially empowered in this behalf, or to be made over to such Forest-officer or other person as the Magistrate considers entitled to receive the same:

Provided that no such order shall be made until the expiration of one month from the date of the seizure of such property, or without hearing the person (if any) claiming any right thereto and the evidence (if any) which he may produce in support of his claim.

(*2*) The Magistrate shall either cause a notice of any application under this section to be served upon any person whom he has reason to believe to be interested in the property seized, or publish such notice in such manner as he thinks fit.

Procedure as to perishable property seized under section 19.

24. The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 19 which is subject to speedy and natural decay, and may deal with the proceeds as he might have dealt with the property itself if it had not been sold.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Forest Law, 1886—continued.

Appeal from orders under sections 21, 22 and 23.

25. Any person claiming to be interested in property seized under section 19 may, within one month from the date of any order passed by a Magistrate under section 21, section 22 or section 23, present an appeal there from to the Court to which orders made by such Magistrate are ordinarily appealable, and the orders passed on such appeal shall be final.

Property when to vest in Government.

26. When an order for the confiscation of property has been passed under section 21 or section 23, and no appeal from such order has been presented within the period prescribed by section 25, or when, on an appeal being presented, the Appellate Court confirms such order in respect of the whole or a portion of the property, such property or portion, as the case may be, shall vest in the Government free from all incumbrances.

Saving of power to release property seized.

27. Nothing hereinbefore contained shall be deemed to prevent any officer specially empowered in this behalf from directing at any time the immediate release of any property seized under section 19, and the withdrawal of any charge made in respect of such property.

Penalty for counterfeiting or defacing marks on trees and timber, and for altering boundary-marks.

28. Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code*— XLV of 1860.

(*a*) knowingly counterfeits upon any timber or standing tree a mark used by Forest-officers to indicate that such timber or tree is the property of the Government or of some person, or that it may lawfully be cut or removed by some person; or

(*b*) unlawfully affixes to any timber or standing tree a mark used by Forest-officers; or

(*c*) alters, defaces or obliterates any such mark placed on any timber or standing tree by or under the authority of a Forest-officer; or

(*d*) alters, moves, destroys or defaces any boundary-mark of any State-forest,

shall be punished with imprisonment for a term which may extend to two years or with fine, or with both.

Power to arrest without warrant.

29. (*1*) Any Forest-officer or Police-officer may, without orders from a Magistrate and without a warrant, arrest any person reasonably suspected of having been concerned in any forest-offence if such person refuses to give his name or residence, or gives a name or residence which there is reason to believe to be false, or if there is reason to believe that he will abscond.

(*2*) Every officer making an arrest under sub-section (*1*) shall, without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case.

Punishment for wrongful seizure or arrest.

30. (*1*) Any Forest-officer or Police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Law, or who vexatiously and unnecessarily arrests any person, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(*2*) Any fine so imposed, or any portion thereof, shall, if the convicting Magistrate so direct and the fine or portion be recovered, be given, subject to the direction of the last paragraph of section 545 of the Code of Criminal Procedure,* as compensation to the person aggrieved by such seizure or arrest. X of 1882.

Power to prevent commission of offence.

31. Every Forest-officer and Police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

Operation of other laws not barred.

32. Nothing in this Law shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes a forest-offence, or from being liable under such other law to any other or higher punishment or penalty than that provided by this Law:

Provided that no person shall be punished twice for the same offence.

Power to compound offences.

33. (*1*) Any Forest-officer specially empowered in this behalf may accept from any person reasonably suspected of having committed any forest-offence, other than an offence under section 28 or section 30, a sum of money by way of compensation for the offence which may have been committed; and, where any property has been seized as liable to confiscation, may release the same on payment of the value thereof as estimated by such officer.

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* These Acts have been extended to Berar *See* pages 28 and 46 respectively.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Forest Law, 1886—continued.

(2) On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the accused person, if in custody, shall be discharged, the property seized shall be released, and no further proceedings shall be taken against such person or property.

Presumption that timber or forest-produce belongs to Government.

34. When, in any proceedings taken under this Law, or in consequence of anything done under this Law, a question arises as to whether any timber or other forest-produce is the property of the Government, such timber or produce shall be presumed to be the property of the Government until the contrary is proved.

Penalties for offences in respect of which special penalties have not been prescribed.

35. Any person contravening any provision of this Law shall, if no special penalty is provided for the breach of the provision, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

CHAPTER VI.

FOREST-OFFICERS.

Resident may invest Forest-officers with certain powers.

36. (1) The Resident may invest any Forest-officer by name, or as holding an office, with all or any of the following powers (that is to say):—

(a) the powers of a Civil Court to compel the attendance of witnesses and the production of documents;

(b) power to issue search-warrants under the Code of Criminal Procedure;

V of 1898.

(c) power to hold enquiries into forest-offences, and in the course of such enquiries to receive and record evidence;

(d) power to notify the seasons and manner in which fire may be kindled, kept or carried in a State-forest;

(e) power to grant the permission referred to in section 10, sub-section (1), clause (a);

(f) power to grant general exemptions under section 16;

(g) power to take possession of property under sections 22, 23, and 43;

(h) power to direct the release of property and withdrawal of charges under section 27;

(i) power to accept compensation for forest-offences under section 38;

and may withdraw any powers so conferred.

(2) Evidence recorded under clause (c) of this section shall be admissible in any subsequent trial of the alleged offender before a Magistrate:

Provided that the evidence has been taken in the presence of the accused person, and recorded in the manner provided by section 355, section 356 or section 357 of the Code of Criminal Procedure,

V of 1898.

Forest-officers deemed public servants.

37. All Forest-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

XLV of 1860.

Indemnity for acts done in good faith.

38. No suit or criminal prosecution shall lie against any public servant for anything done or omitted to be done by him in good faith under this Law.

Forest-officers not to trade.

39. Except with the permission, in writing, of the Resident, no Forest-officer shall, as principal or agent, trade in timber or other forest-produce, or be or become interested in any lease or mortgage of any forest, or in any contract for working any forest, whether in British or foreign territory.

CHAPTER VIII.

SUPPLEMENTAL PROVISIONS.

Additional power to make rules.

40. The Resident may make rules consistent with this Law—

(a) to declare by what Forest-officer or class of Forest-officers the powers or duties conferred or imposed by or under this Law on a Forest-officer shall be exercised or performed;

(b) to regulate the rewards to be paid to officers and informers from the proceeds of fines and confiscations under this Law, or from the public treasury; and

(c) generally to carry out the provisions of this Law.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Forest Law, 1886—concluded.

Persons bound to give information and assistance to Forest-officer and Police-officer.

41. Every person who is permitted by a Forest-officer, or to whom the privilege has been granted by the Resident, to pasture cattle in, or to collect and remove any forest-produce from, a State-forest, and

every person who is employed by any such person in such forest, and

every person in any village contiguous to such forest who is employed by the Government, or who receives emoluments from the Government for services to be performed to the community,

shall be bound to furnish, without unnecessary delay, to the nearest Forest-officer or Police-officer, any information he may possess respecting the occurrence of a fire in or near such forest, or the commission of, or intention to commit, any forest-offence; and shall assist any Forest-officer or Police-officer demanding his aid—

(*a*) in extinguishing any fire occurring in such forest;

(*b*) in preventing any fire which may occur in the vicinity of such forest from spreading to such forest;

(*c*) in preventing the commission in such forest of any forest-offence; and

(*d*) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

Recovery of fines and other money due to Government.

42. (*1*) The provisions of sections 63, 68, 69 and 70 of the Indian Penal Code, and of sections 386 and 387 of the Code of Criminal Procedure, shall apply to all fines imposed under this Law. XLV of 1860. X of 1882.

(*2*) All money, other than fines, payable to the Government under this Law, or under any rule made hereunder, or on account of the price of any timber or other forest-produce, or of expenses incurred in the execution of this Law in respect of such timber or produce, may, if not paid when due, be recovered, under the law for the time being in force, as if it were an arrear of land-revenue.

Lien on forest-produce for such money.

43. (*1*) When any such money is payable for, or in respect of any forest-produce, the amount thereof shall be deemed to be a first charge on such produce; and the produce may be taken possession of by a Forest-officer specially empowered in this behalf, and may be retained by him until the amount has been paid.

(*2*) If the amount is not paid when due, the Forest-officer may sell the produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

(*3*) The surplus (if any), if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to Government.

Government and its officers not liable for loss or damage in respect of certain timber.

44. The Government shall not be responsible for any loss or damage which may occur in respect of any timber or other forest-produce while at a station established under section 12, or while detained elsewhere for the purposes of this Law; and no Forest-officer shall be responsible for any such loss or damage unless he causes the same negligently, maliciously or fraudulently.

Land required under this Law to be deemed to be needed for a public purpose under Land Acquisition Act.

45. Whenever it appears to the Resident that any land is required for any of the purposes of this Law, such land shall be deemed to be needed for a public purpose within the meaning of the Land Acquisition Act, 1870,* section 4. X of 1870.

Rules when to have force of law.

46. All rules made by the Resident under this Law shall be published in the Residency Orders, and shall thereupon have the force of law.

Powers of Resident exercisable from time to time.

47. All powers conferred by this Law on the Resident may be exercised from time to time as occasion requires.

[*See Gazette of India*, 23rd October, 1886, Part I, page 632.]

Berar Municipal Law, 1886.

No. 3039 I, dated the 5th November, 1886.—Whereas it is expedient to make better provision for the organization and administration of Municipalities in the Hyderabad Assigned Districts, His Excellency the Viceroy and Governor-General in Council is pleased to issue the following orders:—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. (*1*) These orders may be called the "Berar Municipal Law, 1886," and are hereinafter referred to as "this Law."

* This Act has been extended to Berar—See page 38.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Municipal Law, 1886—continued.

(2) This Law extends to the Hyderabad Assigned Districts; and

(3) It shall come into force on the first day of January, 1887.

(4) Any power conferred by this Law to make rules or issue orders may be exercised at any time after the publication of this Law in the *Gazette of India*; but a rule or order so made or issued shall not take effect until this Law comes into force.

Definitions.

2. In this Law, unless there is something repugnant in the subject or context,—

(1) "committee" means a municipal committee constituted under this Law:

(2) "municipality" means a local area to which this Law has been applied under section 4 or section 5:

(3) "Honorary Magistrate" means a Magistrate who holds no salaried office in any department of the Government service:

(4) "Resident" means the Resident at Hyderabad:

(5) "inhabitant" includes any person ordinarily residing or carrying on business or owning or occupying immoveable property in a municipality or in a local area to which the Resident has by notification declared his intention to apply this Law:

(6) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway:

(7) "owner" includes the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant:

(8) "notification" means a notification published by authority of the Resident in the Residency Orders:

(9) "notified" means published as aforesaid: and

(10) "prescribed" means prescribed by rules made by the Resident under this Law.

Notification of intention to apply this Law.

3. (1) The Resident may, by notification and in such other manner as he may from time to time determine, declare his intention to apply this Law to any town or to any group of towns in the immediate neighbourhood of one another.

(2) Every notification under this section shall define the limits of the town or group of towns to which it refers, and may include within those limits any railway-station, village, building or land in the vicinity of any such town:

Provided that it shall not, without the previous consent of the Governor-General in Council, so include any part of a military cantonment.

Application of this Law.

4. (1) Any inhabitant of a local area in respect of which a notification has been published under section 3 may, if he objects to the application of this Law, submit his objection in writing to the Resident within six weeks from the publication of the notification, and the Resident shall take his objection into consideration.

(2) When six weeks from the publication of the notification have expired, and the Resident has considered the objections (if any) which have been submitted under sub-section (1), the Resident may, by notification, apply this Law to the local area.

Special rule as to application of this Law to towns to which Act IV of 1873 applies.

5. The Resident may, by notification, apply this Law to any local area which is a municipality established under Act IV of 1873, and shall, within three months from the date on which this Law comes into force, so apply it to every such local area unless before the expiration of that period—

(a) this Law has been applied under section 4 to some local area in which that local area is comprised; or

(b) the Resident has declared, by notification, that the provisions of this Law are unsuited to that local area.

CHAPTER II.

ORGANISATION OF MUNICIPAL COMMITTEES.

Constitution of Committees.

Committee to consist of elected and appointed members.

6. There shall be established for each municipality a municipal committee having authority over that municipality and consisting of—

(a) so many elected members as may be determined in manner prescribed, representing the whole municipality of wards or the municipality; and

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Municipal Law, 1886—continued.

(*b*) such person or persons (if any), not exceeding in number one-fourth of the committee, as the Resident may, subject to rules made under this Law, appoint in this behalf.

Magistrate to convene meeting to determine system of representation and election.

7. (*1*) The Magistrate of the district within which any municipality is situate shall, within one month from the date on which this Law has been applied to the municipality under section 4 or section 5, issue notices in writing to the persons mentioned in section 8, inviting them to meet at a time and place specified in the notices for the purpose of preparing and submitting, within such further time not exceeding three months from date of the meeting as the Resident may fix in this behalf, proposals for determining the system of representation and election to be established in the municipality.

(*2*) The Resident may, for special reasons, grant an extension, not exceeding one month, of the time fixed under this section for submitting proposals.

Persons to be invited to meeting.

8. Notices under section 7 shall be issued to the following persons, namely:—

(*a*) all Honorary Magistrates having jurisdiction within the limits of the municipality;

(*b*) when the municipality comprises any local area for which a municipal committee has been appointed under Act IV of 1873, the members of that committee; and

(*c*) any leading residents of the municipality not included under the foregoing clauses who in the opinion of the District Magistrate should be allowed to take part in the discussion.

Matters to be considered at the meeting.

9. The persons who meet in compliance with the notices issued under section 7 shall consider and shall, within the time limited under that section, submit through the District Magistrate to the Resident, proposals regarding the following matters, namely:—

(*a*) the treatment of the municipality as a whole for the purposes of representation, or the division of the municipality into wards;

(*b*) the number of representatives proper for the municipality or for each ward;

(*c*) the qualifications of electors and of candidates for election;

(*d*) the registration of electors;

(*e*) the nomination of candidates, the time of election and the mode of recording votes; and

(*f*) any other matters regarding the system of representation and of election which it may seem to the meeting expedient to consider.

Power to Resident to make rules regarding representation and election.

10. (*1*) The Resident shall, after taking into consideration the proposals (if any) submitted under section 9, make rules regulating the matters referred to in that section, and may in making such rules direct that the breach of any provision thereof shall be punishable with the fine which may extend to fifty rupees.

(*2*) The Resident may, after the committee has come into existence as hereinafter provided, amend, after consulting the committee, the rules made under this section; but no amendment made under this sub-section shall take effect until six months after it has been published in the Residency Orders.

(*3*) Elective members of the committee shall be elected in accordance with the rules made under this section and for the time being in force.

Term of office of member of committee.

11. (*1*) The term of office of a member of a committee shall be fixed by the Resident by rule made under this Law, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(*2*) An outgoing member shall, if otherwise qualified, be again eligible for election or appointment.

Resignation of member.

12. A member of a committee may resign by notifying in writing his intention to do so to the Resident, and, on his resignation being accepted by the Resident, he shall be deemed to have vacated his office.

Powers of Resident as to removal of members.

13. (*1*) The Resident may remove any member of a committee—

(*a*) if he refuses to act, or becomes, in the opinion of the Resident, incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Resident, a defect of character which unfits him to be a member;

(*b*) if he has been declared by notification to be disqualified for employment in the public service;

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Municipal Law, 1886—continued.

(c) if he, without an excuse sufficient in the opinion of the Resident, neglects for more than three consecutive months to be present at the meetings of the committee;

(d) if his continuance in office is, in the opinion of the Resident, dangerous to the public peace or order; or,

(e) when he is a salaried officer of the Government, if his continuance in office is, in the opinion of the Resident, unnecessary or undesirable.

(2) A person removed under this section shall be disqualified for election unless and until the Resident otherwise directs.

Filling of casual vacancies.

14. (1) When the place of an elected member of a committee becomes vacant by his resignation, removal, death or otherwise, a new member shall be elected in manner prescribed to fill the place:

Provided that the Resident may, subject to the limitation of the proportion of appointed members of the committee fixed by section 6, clause (b), direct in any such case that the vacancy shall be left unfilled.

(2) When the place of an appointed member of a committee becomes vacant as aforesaid, the Resident may, if he thinks fit, but subject to the rules made under this Law, appoint a new member to fill the place.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but shall be again eligible for election or appointment.

Incorporation of committee.

15. Every committee shall be a body corporate by the name of the committee of its municipality, shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to the rules made under this Law, to transfer any property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

Time for committee coming into existence.

16. A committee shall come into existence at such time as the Resident may, by notification, appoint in this behalf.

Consequences of establishment of committee where committee exists.

17. (1) When a committee comes into existence under section 16 for a municipality constituted under this Law, and that municipality comprises within its limits a local area which is a municipality under Act IV of 1873, the following consequences shall ensue, namely:—

(a) the said Act IV of 1873 shall cease to apply to the local area:—

(b) the committee (if any) constituted under that Act for the local area shall cease to exist;

(c) all property vested in the old committee shall, for the purposes of this Law, vest in the committee constituted under this Law (hereinafter called the new committee) subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, that property;

(d) every right and liability belonging to or incurred by the old committee may be enforced by and against the new committee in like manner as it might have been enforced by and against the old committee if this Law had not been passed;

(e) a Government officer employed by the old committee at the time when the new committee comes into existence shall be deemed to be similarly employed by the new committee, and shall not be dismissed from that employment without the sanction of the Resident; and

(f) the new committee shall be substituted for the old committee in all legal proceedings by or against the old committee pending at the time when the new committee comes into existence.

(2) When a committee comes into existence under section 16 for a municipality constituted under this Law, and that municipality comprises within its limits a local area in which Book Circular No. XIV of 1881 is in force, that Book Circular shall cease to have effect in that local area, and the committee constituted under that Book Circular for that local area shall cease to exist.

Chairman and Vice-chairman.

Election or appointment of chairman.

18. A committee shall, from time to time, at a special meeting, elect as its chairman one of its own members or some other person qualified for election as a member, and the member or other person so elected shall, if the election is approved by the Resident but not otherwise, become chairman of the committee:

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Municipal Law, 1886—continued.

Provided that—

(*a*) if the office of chairman remains vacant for three months from the date of the first meeting of the committee, or, in the case of a vacancy afterwards occurring, from the occurrence of that vacancy, and no person is within that period elected under this section to fill it, the Resident may in his discretion appoint such person as he thinks fit by name or by virtue of office to be chairman; and

(*b*) in such municipalities as the Resident may, from time to time, by notification, exempt from the operation of this section, the Resident may, from time to time, appoint such person as he thinks fit by name or by virtue of office to be chairman.

Election of vice-chairman.

19. In every municipality the committee shall, from time to time, at a special meeting, elect one or two of its members to be its vice-chairman or vice-chairmen.

Term of office of chairman and vice-chairman.

20. (*1*) The term of office of a member of the committee elected to be chairman shall be the residue of his term of office as member.

(*2*) The term of office of any other person elected to be chairman, or of a chairman appointed by the Resident, shall be such term not exceeding three years as the Resident may by rule prescribe.

(*3*) The term of office of a vice-chairman shall be one year:—

Provided that, when at the time of his election as vice-chairman the residue of his term of office as member of the committee is less than one year, his term of office as vice-chairman shall be the residue of his term as member.

(*4*) An outgoing chairman or vice-chairman shall, if otherwise qualified, be again eligible for election or appointment.

Resignation of chairman or vice-chairman.

21. (*1*) A chairman of a committee may resign by notifying in writing his intention to do so to the Resident, and, on his resignation being accepted by the Resident, he shall be deemed to have vacated his office.

(*2*) A vice-chairman of a committee may resign by notifying in writing his intention to do so to the committee, and, on his resignation being accepted by the committee, he shall be deemed to have vacated his office.

Removal of chairman or vice-chairman.

22. The Resident may remove any chairman or vice-chairman of a committee from his office as such chairman or vice-chairman, if he refuses to act, or becomes incapable of acting, or is declared an insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Resident, a defect of character which unfits him to be chairman or vice-chairman, or if he, without sufficient excuse, neglects for more than three consecutive months to be present at the meetings of the committee.

Casual vacancies in office of chairman or vice-chairman.

23. (*1*) If an elected chairman or a vice-chairman dies or resigns his office, or is removed, a new chairman or vice-chairman shall be elected or appointed in manner provided by section 18 or section 19, as the case may be.

(*2*) If a chairman appointed by the Resident dies, resigns his office or is removed, the Resident shall appoint another chairman.

(*3*) A person elected or appointed under the section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office:

Provided that if a person so elected is a member of the committee at the time of his election, he shall go out of office on ceasing to be a member.

(*4*) A person going out of office under sub-section (*3*) shall, if otherwise qualified, be again eligible for election or appointment.

Chairman to become member if not already member.

24. When a person not already a member of the committee is elected or appointed chairman, he shall, notwithstanding anything in the foregoing sections, become a member of the committee by virtue of his election or appointment, and shall continue to be a member so long as he holds office as chairman:

Notification of Elections, Appointments and Vacancies.

Notification of elections, appointments and vacancies, shall be notified.

25. Every election and appointment of a member or chairman of a committee and every vacancy in the office of member or chairman

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Municipal Law, 1886—continued.

Joint Committees.

Joint committees.

26. (*1*) A committee may, from time to time, concur with any other municipal committee, or with a district board, or with a cantonment authority, or with more than one such committee, board or authority, in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of the joint committee, and in delegating to any such joint committee any power which might be exercised by either or any of the committees, boards or authorities, and in framing and modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating to the purpose for which the joint committee is appointed.

(*2*) If any difference of opinion arises between committees, boards or authorities acting under this section, the decision thereon of the Commissioner shall be final.

Conduct of Business.

Time for holding meetings.

27. (*1*) A committee shall meet for the transaction of business at least once in every month on such day as may, from time to time, be fixed by the rules made under section 34.

(*2*) The chairman, or, in his absence, a vice-chairman, may, whenever he thinks fit, and shall upon a requisition made in writing by not less than one-fifth of the members of the committee, convene either an ordinary or a special meeting at any other time.

Ordinary and special meetings.

28. (*1*) A meeting of a committee shall be either ordinary or special.

(*2*) Any business may be transacted at an ordinary meeting unless it is required by this Law, or the rules made under this Law to be transacted at a special meeting.

Quorum.

29. (*1*) The quorum necessary for the transaction of business at a special meeting of a committee shall be one-half of the whole committee.

(*2*) The quorum necessary for the transaction of business at an ordinary meeting of a committee shall be such number or proportion of the members of the committee as may, from time to time, be fixed by the rules made under section 34:

Provided that, if at any ordinary or special meeting of the committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at, the adjourned meeting, whether there is a quorum present thereat or not.

Chairman of meeting.

30. (*1*) At every meeting of a committee the chairman, if present, shall preside.

(*2*) If, when any meeting is held, the office of chairman is vacant, or the chairman is absent from the meeting, and a vice-chairman is present, such vice-chairman or, when two vice-chairmen are present, the senior of them by date of appointment, shall preside.

(*3*) In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

Vote of majority decisive.

31. (*1*) Except as otherwise provided by this Law, or by any rule made by the Resident under this Law, all questions which may come before any meeting of a committee shall be decided by the majority of the votes of the members present.

(*2*) In case of an equality of votes, the chairman of the meeting shall have a second or casting vote.

Certain officers entitled to attend and speak.

32. The Civil Surgeon, the Executive Engineer and the Inspector of Schools shall be entitled to attend any meeting of the committee, and to address the committee on any matter affecting respectively sanitation, public works and public instruction.

Resolutions to be recorded and published.

33. (*1*) Every resolution passed by a committee at a meeting shall be recorded in a book kept for the purpose, shall be signed by the chairman of the meeting or the next ensuing meeting, and shall be published in some local English or vernacular newspaper, or in such other manner as the Resident may direct.

(*2*) A copy of every resolution passed by a committee at a meeting shall, within ten days from the date of the meeting, be forwarded to the District Magistrate.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Municipal Law, 1886—continued.

34. (*1*) Every committee may, from time to time, at a special meeting, make rules consistent with this Law and any rules made under this Law by the Resident as to—

Power to make rules as to meetings and proceedings.

(*a*) the time and place of its meeting;

(*b*) the manner of convening ordinary and special meetings respectively, and of giving notice thereof;

(*c*) the quorum necessary for the transaction of business at ordinary meetings;

(*d*) the conduct of proceedings at meetings, and the adjournment of meetings;

(*e*) the division of duties among the members of the committee;

(*f*) the persons by whom receipts may be granted on behalf of the committee for money paid under this Law; and

(*g*) all other similar matters.

(*2*) Every rule made under this section shall be published in such manner as the Resident may direct.

Officers and Servants.

35. (*1*) Every committee shall, from time to time, at a special meeting, appoint one or more of its members, or, with the sanction of the Commissioner, any other person or persons, to be its secretary or secretaries, and may at a like meeting remove any person so appointed.

Appointment of secretary.

(*2*) If a person who is an officer in the service of the Government, and who is not a member of the committee, is appointed secretary, he shall, notwithstanding anything in the foregoing sections, become a member of the committee by virtue of such appointment, and shall continue to be a member of the committee as long as he holds the office of secretary.

(*3*) When a member of the committee is appointed to be secretary, he shall receive no remuneration in respect of his services. In other cases the committee may, with the previous sanction of the Commissioner, assign to a secretary such pay as it thinks fit.

36. Subject to the other provisions of this Law, and to such rules as the Resident may make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, a committee may employ, in addition to its secretary or secretaries, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to such officers and servants such pay as it thinks fit.

Employment of other officers and servants.

Pensions of Government officials serving committees.

37. In the case of a Government official a committee may—

(*1*) if his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the rules of the Government Civil Pension and Leave Codes for the time being in force; and

(*2*) if he devotes only a part of his time to the performance of duties in behalf of the committee, make a contribution on account of his pension or gratuity and leave-allowances in such proportion as may be determined by the Resident.

Pensions of others.

38. In the case of an officer or servant not being a Government official, a committee may—

(*1*) grant him leave-allowances and, if he is employed under a committee constituted under Act IV of 1873 when this Law comes into force and is not entitled to pension, or if his monthly pay is less than ten rupees, a gratuity; and

(*2*) if empowered in this behalf by the Resident—

(*a*) subscribe on his behalf for pension or gratuity under the rules of the Government Civil Pension Code for the time being in force; or

(*b*) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which, under the Government Civil Pension and Leave Codes for the time being in force, the officer or servant would be entitled if the service had been service under the Government.

Contracts.

39. (*1*) A committee may delegate to one or more of its members the power of entering into, on its behalf, any contract whereof the value or amount does not exceed two hundred rupees.

Authority to contract.

(*2*) A contract whereof the value or amount exceeds two hundred rupees shall not be executed until it has been sanctioned by the committee at a meeting.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Municipal Law, 1886—continued.

Mode of executing contracts.

40. (*1*) Every contract made by or on behalf of a committee whereof the value or amount exceeds twenty rupees shall be in writing.

(*2*) Every such contract shall be signed by the chairman, or a vice-chairman, and a secretary:

Provided that the committee may delegate to one or more of its members the power of executing any contract which he is or they are empowered to enter into under section 39, sub-section (*1*).

(*3*) If a contract to which this section applies is executed otherwise than in conformity therewith, it shall not be binding on the committee.

CHAPTER III.

TAXATION.

Taxation.

Taxes which may be imposed.

41. (*1*) Subject to any general rules or special orders which the Governor-General in Council may make in this behalf, and to any rules made by the Resident under this Law, a committee may, from time to time, for the purpose of this Law and in the manner by this Law directed, impose in the whole or any part of the municipality any of the following taxes, namely:—

(*A*) with the previous sanction of the Resident—

(*a*) a tax on buildings and lands situate within the municipality, not exceeding seven-and-a-half per centum on the annual value of the buildings and lands;

(*b*) a tax on persons practising any profession or art or carrying on any trade or calling in the municipality;

(*c*) a tax on all or any vehicles, boats, animals used for riding, driving, draught or burden, and dogs, kept within the municipality;

(*d*) a tax on vehicles and animals used as aforesaid entering the municipality;

(*e*) a tax on menial and domestic servants;

(*f*) an octroi on animals for slaughter, or goods, or both, brought within the municipality for consumption or use therein; and

(*B*) with the previous sanction of the Resident and of the Governor-General in Council, any other tax.

(*2*) In this section, "annual value" means the gross annual rent for which buildings or lands liable to taxation may reasonably be expected to let:

Provided that, in the case of land which is assessed to land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, the annual value shall, if the Resident so directs, be deemed to be double the amount of the land-revenue for the time being assessed on the land, or, when the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, double the amount which, but for such release, composition, redemption or assignment, would have been assessable as land-revenue.

Scavenging-tax.

42. When a committee has, in exercise of the powers conferred by this Law, provided for the performance, with regard to any buildings or lands by its agents, of the duties usually performed by sweepers, it may, with the previous sanction of the Resident, in the manner by this Law directed, impose upon those buildings and lands, in addition to any other tax imposed upon them under this Law, a tax, to be called the scavenging-tax, at such rate or of such amount as it thinks fit:

Provided that in fixing the rate or amount regard shall be had to the principle that the total net proceeds of the tax should not exceed the cost of the performance of the said duties.

Water-tax.

43. (*1*) Besides the taxes mentioned in the foregoing sections, a committee, with the previous sanction of the Resident, may, for the purpose of constructing or maintaining works for the supply of water to the municipality or paying the principal or interest of any loan raised for the construction of such works, impose, in the manner by this Law directed, a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

(*2*) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and to their level; but in fixing it regard shall be had to the principle that the total net proceeds of the tax, with the estimated income from payments for

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Municipal Law, 1886—continued.

water supplied from the works under special contracts, should not exceed the amount required for the said purpose.

Procedure in imposing taxes.

44. (*1*) A committee may, at a special meeting, pass a resolution to propose the imposition of any tax under section 41, section 42 or section 43.

(*2*) When such a resolution has been passed, the committee shall publish a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(*3*) Any inhabitant objecting to the proposed tax may, within thirty days from the publication of the notice, submit his objection in writing to the committee; and the committee shall, at a special meeting, take his objection into consideration.

(*4*) If no such objection is received within the said period of thirty days, or if such objection, having been considered as aforesaid, is deemed insufficient, the committee may forward its proposals to the Resident, with the objections (if any) which have been submitted as aforesaid, and its decision thereupon.

(*5*) The Resident, on receiving such proposals, may sanction the same, or refuse to sanction them, or return them to the committee for further consideration.

(*6*) When the Resident sanctions any such proposals which require the further sanction of the Governor-General in Council, he shall submit the same to the Governor-General in Council, with the objections (if any) received through the committee; and the Governor-General in Council may sanction the proposals, or refuse to sanction them, or return them to the Resident for further consideration.

(*7*) When the proposals of a committee have been sanctioned by the Resident, or by the Resident and the Governor-General in Council, as the case may be, the committee may, at a special meeting, direct the imposition of the tax in accordance with such proposals.

(*8*) In giving such direction the committee shall fix a date from which the tax shall come into force:

Provided that—

(*a*) no tax shall come into force until it has been notified;

(*b*) no tax leviable by the year shall come into force except at the commencement of the year by which it is leviable; and

(*c*) no other tax shall come into force less than one month from the date of the meeting at which its imposition is directed.

(*9*) A notification of the imposition of a tax under this Law shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Law.

Power to exempt from taxation.

45. A committee may, by resolution passed at a special meeting and confirmed by the Resident, abolish or reduce in amount any tax imposed under the foregoing sections.

Power to abolish or reduce taxes.

46. (*1*) A committee may exempt, in whole or in part, from the payment of any such tax any person who by reason of poverty may in its opinion be unable to pay the same.

(*2*) A committee may, by resolution passed at a special meeting and confirmed by the Resident, and the Resident may by order, exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

Power for Resident to suspend levy of tax.

47. (*1*) If at any time it appears to the Resident, on complaint made or otherwise, that any tax imposed under the foregoing section is unfair in its incidence, or that the levy thereof or of any part thereof is injurious to the interests of the general public, he may require the committee to take within a specified period measures to remove the objection, and, if within that period the requirement is not complied with to the satisfaction of the Resident, the Resident may by notification suspend the levy of the tax or of such part thereof until the objection has been removed.

(*2*) The Resident may at any time, by notification, rescind any such suspension.

Taxes not invalid for defect of form.

48. No tax imposed under this Law shall be invalid merely for defect of form; and it shall be enough in any such tax on property or any assessment of value for the purpose of any such tax if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Municipal Law, 1886—continued.

Taxes when payable.

40. Any tax imposed under the foregoing sections and payable periodically shall be payable on such dates and in such instalments (if any) as the committee, with the previous sanction of the Resident, may, by rule, from time to time, direct.

Receipts to be given.

50. For all sums paid on account of any tax under this Law a receipt stating the amount and the tax on account of which it is paid shall be given by the person receiving the same, on request by the person making the payment.

Appeals against taxation.

51. (*1*) An appeal against the assessment or levy of any tax under this Law shall lie to the District Magistrate, unless he is a member of the committee, in which case the appeal shall lie to the Commissioner or other officer empowered by the Resident in this behalf.

(*2*) The order of the appellate authority shall be final.

Limitation for appeals.

52. (*1*) No appeal shall lie in respect of a tax on any building or land unless it is preferred within one month after the publication of the notice prescribed by section 58, and no appeal shall lie in respect of any other tax unless it is preferred within one month from the time when the demand for the tax is made:

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the officer before whom the appeal is preferred that he had sufficient cause for not presenting the appeal within that period.

(*2*) No appeal shall be entertained unless the amount of the tax to which it relates is deposited with the committee before the appeal is preferred.

Taxation not to be questioned except under this Law.

53. No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than in this Law is provided.

Taxes leviable under Act IV of 1873 to be deemed to be taxes under this Law.

54. All taxes leviable in any local area under Act IV of 1873, at the time when a committee having authority over that local area comes into existence under this Law, shall, so far as their imposition and assessment are consistent with this Law and within the powers conferred thereby, be deemed to have been imposed and assessed under this Law.

Taxes on Immoveable Property.

Preparation of assessment-list.

55. (*1*) The committee shall cause an assessment-list of all buildings and lands on which any tax is imposed to be prepared, containing—

(*a*) the name of the street or division in which the property is situate;

(*b*) the designation of the property, either by name or by number, sufficient for identification;

(*c*) the names of the owner and occupier, if known;

(*d*) the annual value on which the property is assessed; and

(*e*) the amount of the tax assessed thereon by the committee.

(*2*) For the purpose of preparing the list the committee may require the owners or occupiers of the buildings or lands to furnish it with returns of annual value.

Publication of notice of assessment.

56. When the assessment-list has been completed, the committee shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of any property included in the list, or the agent of any such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Public notice of time fixed for revising assessment-list.

57. (*1*) The committee shall at the same time give public notice of a time, not less than one month from the publication of the notice, when it will proceed to revise the valuation and assessment; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

(*2*) All objections to the valuation and assessment shall be made in writing before the time fixed in the notice, or orally or in writing at that time.

Settlement of list.

58. (*1*) After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard, either in person or by authorized agent as they think fit, and the revision of the valuation and assessment has been completed, the amendments made in the list shall be authenticated by

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Municipal Law, 1886—continued.

the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the whole year by which it is leviable next following that in which the assessment is made.

(*3*) The list when amended under this section shall be deposited in the committee's office, and shall there be open during office-hours to inspection by all owners and occupiers of property comprised therein, and a public notice that it is so open shall forthwith be published.

Further amendments of assessment-list.

59. (*1*) The committee may at any time amend the list by inserting the name of any person whose name ought to be inserted, or by inserting any property which ought to have been inserted, or by altering the assessment on any property which has been insufficiently valued or assessed through mistake, oversight or fraud, after giving notice, to any person interested in the amendment, of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

(*2*) Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same in person or by authorised agent as he thinks fit.

New list need not be prepared every year.

60. It shall be in the discretion of the committee to prepare a new assessment-list every year, or to adopt the valuation and assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving the same notice of the valuation and assessment as if a new assessment-list had been prepared.

Remission of tax on unoccupied immovable property.

61. (*1*) When a tax payable under section 41, sub-section (*1*), clause (*a*), or under section 42 or section 43, is payable in one sum in respect of an entire year, and the property in respect of which it is payable is unoccupied throughout the year, or when such a tax is payable in instalments and the property is unoccupied throughout the period in respect of which an instalment is payable, the amount payable in respect of the property for the year, or the instalment, as the case may be, shall be remitted:

Provided that it shall be in the discretion of the committee to direct that no remission shall be granted unless notice in writing of the vacancy has been given to it within such time from the beginning of the year or of the period as it may, from time to time, fix in this behalf.

(*2*) When in any case not provided for by the foregoing part of this section a building in respect of which a tax is payable under section 41, sub-section (*1*), clause (*a*), or under section 42 or section 43, is wholly or in great part demolished or destroyed by fire or otherwise, the committee may remit such proportion of the tax as it thinks equitable.

Taxes on immovable property by whom payable.

62. (*1*) A tax payable under section 41, sub-section (*1*), clause (*a*), shall be paid by the owner of the property in respect of which it is payable.

(*2*) A tax payable under section 42 or section 43 shall be paid by the occupier of the property in respect of which it is payable.

Recovery of taxes payable by owner.

63. (*1*) When any sum is due on account of a tax payable under this Law in respect of any property by the owner thereof, the committee shall cause a bill for the amount, stating the property and the period for which the charge is made, to be presented to the person liable to pay the same.

(*2*) If the bill is not paid within one month from the presentation thereof, the sum due shall be deemed to be an arrear of tax.

(*3*) The amount of every such arrear may be recovered, on application made in this behalf by the committee to the Deputy Commissioner, as if the property were an estate assessed to land-revenue and the arrear were an arrear of such revenue due thereon:

Provided that nothing in this sub-section shall authorise the arrest of a defaulter.

Octroi and Tolls.

Power to search where octroi is leviable.

64. If any person bringing or receiving a conveyance or package within the octroi-limits of a municipality in which octroi is leviable, refuses, on the demand of an officer authorised by the committee in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Municipal Law, 1886—continued.

conveyance or package to be taken without unnecessary delay before a Magistrate, who shall cause the inspection to be made in his presence.

Power to examine article liable to octroi.

65. Every person bringing or receiving within the octroi-limits of any municipality any article on which octroi is payable shall, when required by an officer authorized by the committee in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable,—

(*a*) permit that officer to inspect, examine, weigh and otherwise deal with the article and

(*b*) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article.

Presentation of bill for octroi.

66. Every officer demanding octroi by the authority of the committee shall tender to every person introducing or receiving any article on which the tax is claimed a bill specifying the article taxable, the amount claimed and the rate at which the tax is calculated.

Recovery of octroi and toll.

67. (*1*) In case of non-payment of any octroi or of any toll on demand, the officer empowered to collect the same may seize any article on which the octroi is chargeable or any vehicle or animal on which the toll is chargeable, or any part of its burden of sufficient value to satisfy the demand.

(*2*) The committee may cause any property so seized, or so much thereof as is necessary, to be sold by auction to satisfy the demand, with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid, after the lapse of five days from the seizure, and after the issue of a proclamation fixing the time and place of sale:

Provided that, by order of the chairman or a vice-chairman, articles of a perishable nature which could not be kept for five days without serious risk of damage may be sold after the lapse of such shorter time as the chairman or vice-chairman may, having regard to the nature of the articles, think proper.

CHAPTER IV.

MUNICIPAL FUND AND PROPERTY.

Constitution of municipal fund.

68. There shall be formed for each municipality a municipal fund, and there shall be placed to the credit thereof—

(*a*) all sums received by or on behalf of the committee under this Law or otherwise;

(*b*) all fines realized in cases in which prosecutions are instituted under this Law or the rules made hereunder or under section 34 of Act V of 1861 for offences committed within the municipality; and

(*c*) when there has been included within the municipality any municipality constituted under Act IV of 1873, the balance (if any) standing at the credit of the municipal fund of that municipality at the time when the committee comes into existence.

Application of fund.

69. (*1*) The committee shall set apart and apply annually out of the municipal fund—

(*a*) *first*, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;

(*b*) *secondly*, such sum as may be required to meet the charges of its own establishment, including such subscriptions, contributions and payments as are referred to in sections 37 and 38, and such sum as may be required for the maintenance of a police-establishment under Chapter V;

(*c*) *thirdly*, such sum as may be required to pay the expenses of pauper lunatics sent to public asylums from the municipality, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of the Provincial Departments for Education, Sanitation, Vaccination, Medical Relief and Public Works as may be held by the Resident to be equitably debitable to the committee in return for services rendered to it by those Departments.

(*2*) Subject to the charges specified in sub-section (*1*) and to such rules as the Resident may make with respect to the priority to be given to the several duties of the committee, the municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Municipal Law, 1886—continued.

to the following matters within the municipality, and, with the sanction of the Commissioner outside the municipality, when such application of the fund is for the benefit of the inhabitants of the municipality, namely;—

(*a*) the construction, maintenance, improvement, cleansing and repair of public streets, bridges, embankments, drains, latrines, tanks and water-courses;
(*b*) the watering and lighting of such streets or any of them;
(*c*) the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education or for benefit of the public health, and of rest-houses, serais, poor-houses, markets, encamping-grounds, pounds and other works of public utility, and the control and administration of public institutions or any of these descriptions;
(*d*) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper-asylums and other educational or charitable institutions;
(*e*) the training of teachers and the establishment of scholarships;
(*f*) the giving of relief and the establishment and maintenance of relief-works, in time of famine or scarcity;
(*g*) the supply, storage and preservation from pollution of water for the use of men or animals;
(*h*) the planting and preservation of trees;
(*i*) the taking of a census, the registration of births, marriages and deaths, public vaccination and any other sanitary measure;
(*j*) the holding of fairs and industrial exhibitions; and
(*k*) all acts and things likely to promote the safety, health, welfare or convenience of the inhabitants.

Custody of Municipal Fund.

70. (*1*) In places where there is a Government treasury or sub-treasury the municipal fund shall be kept in the treasury or sub-treasury.

(*2*) In places where there is no such treasury or sub-treasury, the municipal fund may be deposited with any banker, or person acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so deposited as the Resident may in each case think sufficient.

Investment of same.

71. (*1*) A committee may, from time to time, with the previous sanction of the Resident invest any portion of its municipal fund in securities of the Government of India or such other securities as the Governor-General in Council may, from time to time, approve in this behalf, and vary such investments for others of a like nature.

(*2*) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the municipal fund.

Management of public institution.

72. The management, control and administration of every public institution maintained out of the municipal fund shall vest in the committee:

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the Resident.

CHAPTER V.

MUNICIPAL POLICE.

Police-establishment.

73. Every committee shall maintain a police-establishment for watch and ward, and the prevention and suppression of nuisances, within the municipality, and for the enforcement of this Law and the rules made thereunder, and of the orders of the committee.

Constitution of establishment.

74. The establishment maintained under section 73 shall, as the committee with the approval of the Resident may direct, be either a body of watchmen or a part of the general police force under the Local Government within the meaning of section 2 of Act V of 1861; and it shall consist of such number of officers and men, and the officers and men shall receive such pay, leave allowances, gratuities and pensions, as

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Municipal Law, 1886—continued.

the committee may, from time to time, after consultation with the District Magistrate and the Commissioner, and subject to the final decision of the Resident, direct.

Appointment, punishment and duties of municipal watchmen.

75. If the establishment maintained under section 73 is a body of watchmen, the watchmen shall be appointed and promoted, and shall be liable to dismissal, suspension, reduction or fine, under such rules as the Resident may make in this behalf; and shall perform such duties, and be liable to such penalties, as may be prescribed with the sanction of the Governor-General in Council.

Duties of municipal police enrolled under Act V of 1861.

76. If the establishment is part of the general police force, the Resident may, notwithstanding anything contained in Act V of 1861 or in any other Act for the time being in force, define the duties which the officers and men of the establishment may or may not be required to perform.

Powers under section 34 of Act V of 1861.

77. In any municipality in which section 34 of Act V of 1861 is in force, every watchman under this Law shall have the powers of a police-officer under that section.

CHAPTER VI.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

Power to acquire land for building-sites adjoining new streets.

78. When any land is required for a new street or for the improvement of an existing street, the committee may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on the sides of the street.

Power to close streets.

79. The committee may close temporarily any street or any part thereof for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose; and may divert, discontinue or permanently close any such street.

Power to permit temporary occupation of street, &c.

80. The committee may grant permission in writing for the temporary occupation of any street or of any land under its control or management, for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw the permission.

Power to attach brackets for lamps, &c.

81. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

Names of streets and numbers of buildings.

82. (*1*) The committee at a meeting may cause a name to be given to any street, and to be affixed on any building in such place as it thinks fit, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered.

(*2*) Whoever destroys, pulls down or defaces any such name or number, or puts up any different name or number from that put up by order of the committee, shall be punished with fine which may extend to twenty rupees.

Roofs and external walls not to be made of inflammable materials.

83. The committee at a meeting may direct that within certain limits, to be fixed by it, the roofs and external walls of huts or other buildings shall not be made or renewed of grass, mats, leaves or other highly inflammable materials unless with the permission of the committee in writing; and the committee may, by written notice, require any person who has disobeyed any such direction to remove or alter the roofs or walls so made or renewed as it may think fit.

Power to regulate line of buildings.

84. (*1*) If any building or part of a building projects beyond the regular line of a street, either existing or determined on for the future or beyond the front of the building on either side thereof, the committee may whenever the building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice require the building or part, when being re-built, to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Municipal Law, 1886—continued.

land added to the street by such setting back shall become part of the street and shall vest in the committee;

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

(2) The committee may, on such terms as it thinks fit, allow any building to be set forward for the improvement of the line of the street.

Notice of new buildings.

85. (1) Every person intending to erect or re-erect any building shall, if required to do so by rule made by the committee in this behalf, give notice in writing of his intention to the committee, and shall, if required to do so, submit a plan showing the levels at which the foundation and lowest floor are proposed to be laid, and specifications of the works intended to be constructed, and the materials to be used, and shall obey all written directions consistent with this Law given by the committee within one month after receiving such notice, either prohibiting the erection or re-erection, if deemed likely to be injurious to the inhabitants of the neighbourhood, or in respect of all or any of the matters following, namely:—

(a) free passage or way in front of the building;

(b) space to be left about the building to secure free circulation of air and facilitate scavenging;

(c) ventilation and drainage;

(d) level and width of foundation, level of lowest floor and stability of structure; and

(e) the line of frontage with neighbouring buildings, if the building abuts on a street:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of the prohibition of the erection or re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(2) If any such building is begun or erected without giving notice, or without submitting particulars as aforesaid, when required, or in contravention of the legal orders of the committee issued within one month, the committee may by notice require the building to be altered or demolished as it may deem necessary.

Explanation.—The expression "erect any building" includes all additions and alterations which involve new foundations or increased superstructure on existing foundations, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only.

Removal of projections and constructions.

86. (1) It shall not be lawful, unless with the written permission of the committee, for the owner or occupier of any building in a street to add to, or place against or in front of, the building any projection or structure overhanging, projecting into or encroaching on the street or into or on any drain, sewer or aqueduct therein.

(2) The committee may, by notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction built or placed against or in front thereof if the same overhang or projects into or encroaches on any street, or projects into or encroaches on any drain, aqueduct or sewer in the street.

Provided that, in the case of a projection, encroachment or obstruction being lawfully in existence at the time of the passing of this Law, the committee shall make reasonable compensation to any person who suffers damage by the removal or alteration.

(3) The committee may give written permission to the owners or occupiers of buildings in streets to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level of the ground or street, to be specified in the written permission.

Bathing and Washing places.

Bathing and washing places

87. The committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or the washing of animals or clothes, in any public place not so set apart, or at times or by persons other than those specified, and all other acts by which water in public places may be rendered foul or unfit for use.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Municipal Law, 1886—continued.

Deposit of Offensive Matter and Slaughter-places.

Removal and deposit of offensive matter.

88. The committee may fix places within, or, with the approval of the District Magistrate, beyond the limits of the municipality, for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

Places for slaughter of animals.

89. (*1*) The committee may, with the approval of the District Magistrate, fix and abolish places either within or without the limits of the municipality for the slaughter of animals for sale, or of any specified description of such animals, and may with the like approval grant and withdraw licenses for the use of such places, or, if they belong to the committee, charge rent or fees for the use of the same.

(*2*) When such places are fixed by the committee beyond municipal limits, it shall have the same power to make rules for the inspection and proper regulation of the same as if they were within those limits.

(*3*) When any such place has been fixed, no person shall slaughter any such animal for sale within the municipality at any other place.

(*4*) Whoever slaughters any such animal at any other place for sale within the municipality shall be punished with fine which may extend to twenty rupees.

Burial and Burning Places.

Powers in respect of burial and burning places.

90. (*1*) The committee may by public notice order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood, to be closed, from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

(*2*) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf.

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owners thereof.

(*3*) No burial or burning ground, whether public or private, shall be made or formed after the passing of this Law without the permission in writing of the committee.

(*4*) If any person buries or burns, or causes or permits to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punished with fine which may extend to fifty rupees.

Removal of corpses.

91. The committee may, by public notice, prescribe routes for the removal of corpses to burial or burning places.

Inflammable materials.

Inflammable materials.

92. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting dry grass, straw or other inflammable materials, or placing mats, or erecting booths or thatched huts or lighting fires in any place or within any limits specified in the notice.

Powers of Entry and Inspection.

Inspection of drains, privies and cesspools

93. (*1*) The committee, by any person authorised by it in this behalf, may, after giving six hours' notice in writing to the occupier of any land or building in which any drains, privies or cesspools are situated, inspect any such drains, privies or cesspools at any time between sunrise and sunset, and may, if necessary, cause the ground to be opened where the committee or person may think fit for the purpose of preventing or removing any nuisance arising from the drains, privies or cesspools.

(*2*) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner of

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Municipal Law, 1886—continued.

the land or building or by the occupier, as the committee may direct; but if it is found that no nuisance exists, or but for such opening would have arisen, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be borne by the committee.

Power to enter and inspect buildings, &c.

94. The committee, by any person authorised by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building, at any time between sunrise and sunset enter and inspect the building, and may by notice direct all or any part thereof to be forthwith internally or externally limewashed, disinfected or otherwise cleansed for sanitary reasons.

Other powers of entry on building or land.

95. The committee, by any person authorised by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner of any building or land, at any time between sunrise and sunset—

(a) enter on and survey and take levels of any land;

(b) enter, inspect and measure any building for the purpose of valuation; or

(c) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains, or of executing or repairing any work which it is by this Law empowered to execute or maintain.

Power to enter for discovery of vehicles or animals liable to taxation.

96. The committee, by any person authorised by it in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Law for which a license has not been duly taken out.

Power to inspect places for sale of food or drink, &c., and to seize unwholesome articles exposed for sale.

97. The committee, by any person authorized by it in this behalf, may at all reasonable times enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for human consumption, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, drug or animal which may be therein; and, if any article of food or drink or any animal therein appears to be intended for human consumption and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption;

and, in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause it to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof and for his orders as to its disposal.

Power of entry for purpose of scavenging.

98. (1) The committee may provide for the performance by its agents of the duties usually performed by sweepers in respect of any buildings or lands, or of any drains, privies, cesspools or other receptacles for offensive matter pertaining to buildings or land.

(2) Such provision may be made in respect of individual buildings or lands, or of buildings or lands generally in any ward or part of the municipality.

(3) Nothing in this section or section 42 shall be deemed to preclude the committee from making provision of a different nature for different buildings or lands, or different wards or parts of the municipality, and charging scavenging-tax, at different rates therefor, or from exempting wholly or in part from such tax at its discretion any individual who has made arrangements to its satisfaction for the performance of the duties aforesaid.

(4) When the committee has undertaken to provide for the performance by its agents of such duties as aforesaid, the persons employed by it to perform the same may enter on the property at all reasonable times so far as may be necessary for the proper discharge of those duties; and the committee, by any person authorized by it in this behalf, may enter on the property at all reasonable times for the purpose of ascertaining that such duties have been duly performed.

Precautions to be observed in entering dwelling.

99. When any building used as a human dwelling is entered under this Law, due regard shall be paid to the social and religious sentiments of the occupiers; and before any apartment in the actual occupancy of any woman, who, according to custom, does not appear in public, is entered under this Law, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Municipal Law, 1886—continued.

Water-pipes, Privies and Drains.

Troughs and pipes for rain-water.

100. The committee may, by notice, require the owner of any building in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other parts thereof and for discharging the same so as not to inconvenience persons passing along the streets.

Provision of privies, &c.

101. (*1*) The committee may, by notice, require the owner of any building to provide any privy or cesspool, or additional privies or cesspools, which should in its opinion be provided for the building, in such manner as the committee directs.

(*2*) The committee may, by notice, require any persons employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

(*3*) The committee may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee directs, any door or trapdoor of a privy opening on to any street or drain.

Repair and closing of drains, privies and cesspools.

102. (*1*) The committee may, by notice, require the owner or occupier of any building or land to repair or alter and put in good order any drain, privy or cesspool or to close any cesspool belonging thereto.

(*2*) The committee may, by notice, require any person who constructs any new drain, privy or cesspool without its permission in writing, or contrary to its directions or rules or to the provisions of this Law, or who constructs, rebuilds or opens any drain, privy or cesspool which it has ordered to be demolished or stopped up or not to be made, to demolish the drain, privy or cesspool, or to make such alteration therein as it thinks fit.

Unauthorised buildings over drains, &c.

103. The committee may, by notice, require any person who without its permission in writing newly erects or rebuilds any building over any public sewer, drain, culvert, watercourse or water-pipe to pull down or otherwise deal with the same as it thinks fit.

Removal of latrines, &c., near any source of water-supply.

104. The committee may, by notice, require any owner or occupier on whose land any drain latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week

Power to require drainage, &c., of unwholesome tanks, &c.

105. The committee may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private tank, well, reservoir, pool or excavation therein, which appears to the committee to be injurious to health or offensive to the neighbourhood:

Provided that, if for the purpose of effecting any drainage under this section it is necessary to acquire any land not belonging to the person who is required to drain his land, or to pay compensation to any other person, the committee shall provide the land or pay the compensation.

Dangerous Buildings and Places.

Power to require buildings, wells, tanks, &c., to be secured.

106. If any building, or any well, tank or other excavation, is for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working in the neighbourhood, the committee may, by notice, require the owner or occupier thereof to repair, protect or enclose the same; and, if it appears to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps as are necessary to avert the danger.

Buildings, &c., in ruinous or dangerous state.

107. If any building, wall or structure or anything affixed thereto is deemed by the committee to be in a ruinous state or in any way dangerous, it may, by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall or structure as the committee considers necessary for the public safety; and, if it appears to it to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps as are necessary to avert the danger.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Municipal Law, 1886—continued.

Buildings and Grounds in unsanitary Condition.

Power to require owner to clear away noxious vegetation.

108. The committee may, by notice, require the owner or occupier of any land to clear away and remove any thick or noxious vegetation, jungle or undergrowth which appears to the committee to be injurious to health or offensive to the neighbourhood.

Power to trim hedges and trees bordering on streets.

109. The committee may, by notice, require the owner or occupier of any land within three days to cut or trim the hedges thereof bordering on any street, or branches of trees growing thereon, which overhang any street and obstruct the same or cause danger therein, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

Power to have building or land cleansed.

110. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the committee may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state.

Power in respect of building unfit for habitation.

111. If any building appears to the committee to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or other sufficient reason, the committee may, by notice, prohibit the owner or occupier thereof from using the same for human habitation or suffering it to be so used until the committee is satisfied that it has been rendered fit for such use.

Power to require untenanted buildings becoming a nuisance to be secured or enclosed.

112. The committee may, by notice, require the owner or person claiming to be the owner of any building or land which, by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time fixed in the notice.

Cultivation, use of manure or irrigation injurious to health after prohibition

113. (*1*) The Resident may, on the report of the Sanitary Commissioner that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of any municipality is injurious to the health of persons dwelling in the neighbourhood, by notification prohibit the cultivation of the crop, the use of the manure or the irrigation so reported to be injurious, or regulate it by imposing such conditions thereon as may prevent the injury:

Provided that, when on any land to which the notification applies that description of crop has been cultivated, that kind of manure has been used, or irrigation has been practised in that manner during the five years preceding the notification with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested in that land for any damage caused to them by the prohibition or regulation.

(*2*) If any person cultivates, uses manure or irrigates in disregard of the prohibition or conditions notified under sub-section (*1*), he shall be punished with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Offensive and Dangerous Trades.

Regulation of offensive and dangerous trade.

114. (*1*) The owner or occupier of every place within the municipality used for any of the following purposes, namely:—

melting tallow; or
boiling bones, offal or blood; or
as a soap-house, oil-boiling house, dyeing-house or tannery; or
as a brickkiln, pottery or limekiln; or
as any other manufactory or place of business from which offensive or unwholesome smells arise; or
as a yard or depôt for trade in hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material; or
as a store-house for kerosine, petroleum, naptha or any inflammable oil, spirit or explosive substance;

shall register the same in a book to be kept by the committee for the purpose.

(*2*) No place shall be newly used for any of the said purposes except under a licence from the committee, which shall be renewable annually.

(*3*) The license shall not be withheld unless the committee considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Municipal Law, 1886—continued.

(*d*) The committee may charge fees for such licenses, and may impose such conditions in respect thereof as it may think necessary.

(*5*) Whoever, without such registration or without a license, uses any place for any such purpose shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day during which the offence is continued after he has been convicted of such offence.

Power to prohibit such trades.

115. (*1*) If it is shown to the satisfaction of the committee, at a meeting, that any place registered or licensed under the last foregoing section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, it may, by notice, require the occupier thereof to discontinue the use of the place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

(*2*) Whoever, after such notice has been given, uses the place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, shall be punished with fine which may extend to two hundred rupees, and with further fine which may extend to forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Power to make Rules.

Power of committee to make rules.

116. (*1*) A committee may, from time to time, at a special meeting, make rules—

(*a*) for rendering licenses necessary for the proprietors or drivers of vehicles, boats or animals plying for hire within the limits of the municipality, and fixing the fees payable for such licenses, and the conditions under which they are to be granted and may be revoked;

(*b*) For limiting the rates which may be demanded for the hire of any carriage, cart, boats or other conveyance or of animals hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons, where they are hired within the municipality for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours;

(*c*) for securing a proper registration of births, marriages and deaths, and for the taking of a census;

(*d*) for fixing, and from time to time varying, the number of persons who may occupy a building or part of a building which is let in lodgings or occupied by members of more than one family;

for the registration and inspection of such buildings;

for promoting cleanliness and ventilation in such buildings;

for the notices to be given and the precautions to be taken in the case of any infectious disease breaking out in such buildings;

and generally for the proper regulation of such buildings;

(*e*) for the inspection and proper regulation of encamping-grounds, pounds, sarais, markets and slaughter-houses;

(*f*) for the holding of fairs and industrial exhibitions within the municipality and under its control;

(*g*) for controlling and regulating the use and management of burial and burning grounds;

(*h*) for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use;

(*i*) where the collection of an octroi-tax has been sanctioned, for fixing octroi-limits for the purpose of collecting that tax; and

(*j*) generally for carrying out the purposes of this law.

(*2*) In making any rule under this section the committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

(*3*) No rule made under this section shall come into force until it has been confirmed by the Resident and published for such time and in such manner as the Resident may prescribe in this behalf.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Municipal Law, 1886—continued.

Supplemental.

Execution of acts required to be done by any notice.

117. (*1*) When any notice under this chapter requires any act to be done for which no time is fixed by this law, it shall fix a reasonable time for doing the same.

(*2*) When the owner or occupier of any land or building fails to comply with the terms of any notice under this chapter requiring him to do any act upon that land or building, the committee may, after six hours' notice, by its officers, cause the act to be done.

Recovery of costs of execution.

118. (*1*) Where, under this Law, the owner or occupier of property is required by the committee to execute any work, and makes default in complying with the requirement, and the committee executes the work, the committee may recover the cost of the work from the person in default.

(*2*) If the person in default is the owner, the committee may, by way of additional remedy, recover the whole or any part of the cost from the occupier, and in such case the occupier may deduct any sum paid by him under this sub-section from the rent from time to time becoming due from him to the owner of the property in respect of which the payment is made, or otherwise recover it from the owner:

(*3*) Provided that an occupier shall not be required to pay, under the last sub-section, any greater sum than the amount of rent which is for the time being due from him to the owner, or which, after demand for payment of the money payable by him to the committee and notice not to pay rent without first deducting the amount so demanded, becomes payable by him to the owner, unless he refuses on application to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(*4*) All money recoverable by a committee under this section may be recovered either by suit or, on application to a Magistrate having jurisdiction within the municipality, by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of property shall, until it is paid, be a charge on the property.

(*5*) Nothing in this section shall affect any contract between an owner and an occupier.

Compensation out of municipal fund.

119. (*1*) The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants, under this Law, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(*2*) If any dispute arises touching the amount of any compensation which the committee is required by this Law to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or, in default of agreement, in the manner provided by the Land Acquisition Act, 1870, sections 3, 8 to 42, 51 to 53, and 56 to 59, so far as they can be made applicable. X of 1870.

Appeals against certain orders of committee.

120. (*1*) Any person aggrieved by any order made by a committee under the powers vested in it by section 90, 91, 111 or 115 may appeal within thirty days from the date thereof to the District Magistrate; and no such order shall be liable to be called in question otherwise than by such appeal:

Provided that, if in the latter case the District Magistrate is himself a member of the committee, the appeal shall lie to the Commissioner.

(*2*) The appellate authority may, for sufficient cause, extend the period hereby allowed for appeal.

(*3*) The order of the appellate authority confirming, setting aside or modifying the order appealed against shall be final:

Provided that the order appealed against shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

CHAPTER VII.

OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.

121. Whoever, without the permission of the committee or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Municipal Law, 1886—continued.

any street or public place, or into any public sewer or drain or any drain communicating therewith, shall be punished with fine which may extend to twenty rupees.

Discharging sewage.

122. Whoever, without the permission of the committee, causes or allows the water of any sink, sewer or cesspool, or any other offensive matter, to flow, drain or be put upon any street or public place, or into any sewer or drain not set apart for the purpose, shall be punished with fine which may extend to twenty rupees.

Non-removal of filth, &c.

123. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptable, any dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punished with fine which may extend to fifty rupees.

Making or altering drains without authority.

124. Whoever, without the permission of the committee, makes or causes to be made, or alters or causes to be altered, any drain leading into any public sewer or drain under the control of the committee, shall be punished with fine which may extend to fifty rupees.

Penalty for making or keeping latrines, &c., near any source of water-supply.

125. Whoever makes, without the permission of the committee, or keeps for a longer time than one week after notice to remove issued under section 104, any drain, latrine, urinal, cesspool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punished with fine which may extend to twenty rupees, and, when a notice has been issued, with a further fine which may extend to five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

Keeping animals so as to be injurious to health.

126. Whoever keeps any swine in disregard of any orders which the committee may give to prevent them from becoming a nuisance, or keeps any other animals so as to be injurious to health or to become a nuisance, shall be punished with fine which may extend to twenty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Feeding animals on deleterious substances.

127. Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food on deleterious substances, filth or refuse of any kind, shall be punished with fine which may extend to fifty rupees.

Driving vehicles without proper lights.

128. Whoever drives any vehicle after dark in any public street or thoroughfare at more than a walking pace, unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary, shall be punished with fine which may extend to twenty rupees.

Discharging firearms, &c.

129. Whoever discharges firearms or lets off fireworks or fire-balloons, or engages in any game, in such a manner as to cause or be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punished with fine which may extend to twenty rupees.

Control of elephants and camels.

130. Whoever, being an elephant-driver or camel-driver, omits on being requested to do so to remove his elephant or camel to a safe distance on the approach of a horse, whether ridden or driven, shall be punished with fine which may extend to twenty rupees.

Taking elephants along streets.

131. Whoever, contrary to any orders of the committee, takes an elephant along a street, shall be punished with fine which may extend to twenty rupees.

Suffering dogs to be at large.

132. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate passengers neglects to restrain it so that it shall not be at large without a muzzle in any street or public place, shall be punished with fine which may extend to twenty rupees.

Altering, obstructing or encroaching upon streets, &c.

133. Whoever, without the permission of the committee, alters, obstructs or encroaches upon any street or public sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any street or public place, or deposits building-materials or makes any hole or excavation on or in any street, shall be punished with fine which may extend to fifty rupees.

Quarrying, blasting, cutting timber or building.

134. Whoever quarries, blasts, cuts timber or carries on building-operations in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punished with fine which may extend to fifty rupees.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Municipal Law, 1886—continued.

Picketing animals and collecting carts.

135. Whoever, contrary to the orders of the committee, pickets animals or collects carts on any public ground, or uses any such ground as a halting-place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punished with fine which may extend to twenty rupees.

Carrying corpses by prohibited routes or so as to cause annoyance.

136. Whoever carries a corpse along a route prohibited by the committee or in a manner likely to cause annoyance to the public shall be punished with fine which may extend to ten rupees.

Destroying direction-posts, lamp-posts, &c.

137. Whoever, without being authorised by the committee, defaces or disturbs any direction-post or lamp-post, or extinguishes any light in any street or public place, shall be punished with fine which may extend to twenty rupees.

Penalty for disobedience to orders of committee under chapter VI.

138. Whoever disobeys any lawful directions given by the committee by public notice under the powers conferred upon it by chapter VI, or any written notice lawfully issued by it under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues:

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this Law, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Law.

Prosecution to be suspended in certain cases.

139. A prosecution for an offence under section 90, section 115 or section 138, when the order which has been disobeyed is appealable, shall be suspended when the Magistrate learns that an appeal has been instituted pending the decision of the appeal; and if the order is set aside on appeal, disobedience thereto shall not be deemed an offence against those sections.

CHAPTER VIII.

CONTROL.

Control by Commissioner or District Magistrate.

140. The Commissioner, or the District Magistrate when he is not a member of the committee, may—

(*a*) enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by any committee or joint committee, or any work in progress under the direction of a committee or joint committee;

(*b*) by order in writing call for and inspect any book or document in the possession or under the control of any committee or joint committee:

(*c*) by order in writing require any committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to its proceedings or duties as he thinks fit to call for; and

(*d*) record in writing for the consideration of any committee or joint committee any observations he thinks proper in regard to its proceedings or duties.

Power to suspend action by committee or joint committee.

141. (*1*) The Commissioner or the District Magistrate may, by order in writing, suspend the execution of any resolution or order of a committee or joint committee, or prohibit the doing of any act which is about to be done, or is being done, in pursuance of, or under cover of, this Law, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

(*2*) When the Commissioner or the District Magistrate makes any order under this section, he shall forthwith forward a copy thereof with a statement of his reasons for making it, if the Magistrate to the Commissioner, if the Commissioner to the Resident, who may thereupon rescind the order, or direct that it continue in force with or without modification permanently or for such period as he thinks fit.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Municipal Law, 1886—continued.

Extraordinary powers of District Magistrate in case of emergency.

142. (*1*) In cases of emergencies, the District Magistrate may provide for the execution of any work or the doing of any act which a committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the committee.

(*2*) If the expense is not so paid, the District Magistrate may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible, from that balance, in priority to any or all other charges against the same.

(*3*) The District Magistrate shall forthwith report to the Commissioner every case in which he exercises the powers conferred on him by this section.

Powers of Resident in case of default of committee.

143. (*1*). If at any time it appears to the Resident that a committee has made default in performing any duty imposed on it by or under this Law or any other law, the Resident may, by order in writing, fix a period for the performance of that duty.

(*2*) If that duty is not performed within the period so fixed, the Resident may appoint the District Magistrate to perform it, and may direct that the expense of performing it shall be paid, within such time as he may fix, to the Magistrate by the committee.

(*3*) If the expense is not so paid, the District Magistrate, with the previous sanction of the Resident, may make an order directing the person having the custody of the balance of the municipal fund to pay the expense or so much thereof as is, from time to time, possible, from that balance, in priority to any or all other charges against the same.

Power of Resident to supersede Committee in case of incompetency, persistent default or abuse of powers.

144. (*1*) If a committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Law or any other law for the time being in force, or exceeds or abuses its powers, the Resident may, with the previous approval of the Governor-General in Council, by an order published, with the reasons for making it, in the Residency Orders, declare that committee to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(*2*) When a Committee is so superseded, the following consequences shall ensue—

(*a*) all members of the committee shall, as from the date of the order, vacate their offices as such members;

(*b*) all powers and duties of the committee may, during the period of supersession, be exercised and performed by such person or persons as the Resident appoints in that behalf; and

(*c*) all property vested in the committee shall, during the period of supersession, vest in the Government.

(*3*) On the expiration of the period of supersession specified in the order, the committee shall be re-constituted, and the persons who vacated their offices under clause (*a*) of sub-section (*2*) shall not be deemed disqualified for being members.

Power of Resident to frame forms and make rules.

145. (*1*) The Resident may frame forms for any proceeding of a committee for which he considers that a form should be provided, and make rules consistent with this Law—

(*a*) as to the appointment of members of a committee;

(*b*) as to the term of office of members of a committee, and of chairmen who, not being members of a committee at the time of their election, have been elected to the office of chairman or who have been appointed to that office by the Resident;

(*c*) as to the filling of casual vacancies among elected and appointed members of a committee;

(*d*) as to the language in which business shall be transacted, proceedings recorded and notices issued;

(*e*) as to the assessment and collection of taxes imposed under this Law and for preventing evasion of the same;

(*f*) as to the authority on which money may be paid from the municipal fund;

(*g*) as to the conditions on which property vested in the committee may be transferred by sale, mortgage, lease, exchange, or otherwise;

(h) as to the qualifications requisite in the case of persons appointed by the committee to offices requiring professional skill;

(i) as to the intermediate office or offices, if any, through which correspondence between committees and the Resident or his officers, and representations addressed to the Resident, under this Law, shall pass;

(*j*) as to the exhibition of tables of octroi, the system under which refunds shall be made on account of that tax when the goods on which the tax has been paid are again exported, and the storage of goods declared not to be intended for use or consumption within the municipality into which they are brought;

(*k*) as to the exhibition of tables showing the rates of tolls chargeable on vehicles and animals entering the municipality;

(*l*) as to the priority to be given to the several duties of the committee;

(*m*) as to the preparation of plans and estimates for works to be partly or wholly constructed at the expense of committees, and as to the authority by whom, and the conditions subject to which, such plans and estimates may be sanctioned;

(*n*) as to the accounts to be kept by committees, as to the conditions on which such accounts shall be open to inspection by inhabitants paying any tax under this Law, as to the manner in which such accounts shall be audited and published, and as to the power of the auditors in respect of disallowance and surcharge;

(*o*) as to the preparation of estimates of income and expenditure of committees, and as to the authority by whom, and the conditions subject to which, such estimates may be sanctioned.

(*p*) as to the returns, statements and reports to be submitted by committees;

(*q*) as to the publication of notices; and

(*r*) generally, for the guidance of committees and public officers in all matters connected with the carrying out of this Law.

(*2*) In making rules under clause (*o*) of sub-section (*1*), the Resident may direct that a breach of any provision thereof shall be punished with fine which may extend to fifty rupees.

CHAPTER IX.

SUPPLEMENTAL.

Penalty on member, officer or servant of committee being interested in contract made with committee.

146. (*1*) If any member, officer or servant of a committee is, otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with the committee, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

XLV of 1860.

(*2*) A person shall not by reason of being a shareholder in, or member of, any incorporated or registered company be held to be interested in any contract entered into between the company and the committee, but he shall not take part in any proceedings of the committee relating to any such contract.

Suits against committee and its officers.

147. No suit shall be instituted against a committee, or against an officer of a committee in respect of an act purporting to be done by him in his official capacity, until the expiration of one month next after notice in writing has been, in the case of a committee, left at its office, and, in the case of an officer, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such a notice has been so delivered or left:

Provided that this section shall not apply to any suit instituted under section 54 of the Specific Relief Act, 1877.*

1 of 1877.

Liability of members for loss, waste or misapplication.

148. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the committee, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee; and a suit for compensation may be instituted against him by the committee with the previous sanction of the Commissioner or by the Government.

* This Act has been extended to Berar—*See* page 37.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Berar Municipal Law, 1886—continued.

Acquisition of land under Act X of 1870.

149. Where any land, whether within or without the limits of a municipality, is required for the purposes of this Law, the Resident may, at the request of the committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and on payment by the committee of the compensation awarded under that Act, and of the charges incurred by the Government in connection with the proceedings, the lands shall vest in the committee. X of 1870.

Procedure for making rules.

150. (*1*) The authority empowered to make rules under section 10, section 116 or section 145 shall, before making them, publish, in such manner as may in its opinion be sufficient for giving information to persons interested, a draft of the proposed rules, with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(*2*) Every rule made under any of those sections shall be published in such manner as the Resident may direct; and such publication shall be conclusive proof that the rule has been made as required by this section.

Prosecutions.

151. A Court shall not take cognizance of an offence punishable under this Law, or the rules made under this Law, except on the complaint of the committee or of some person authorised by the committee in this behalf.

Saving of prosecutions under other Laws.

152. Nothing in this Law shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Law or the rules made under it, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Law or the rules made under it:

Provided that a person shall not be punished twice for the same offence.

Recovery of taxes, &c.

153. Any arrears of any tax or fee or any other money claimable by a committee under this Act may be recovered, on application to a Magistrate having jurisdiction within the limits of the municipality, by the distress and sale of any moveable property within those limits belonging to the person from whom the money is claimable.

Notification of intention to alter limits of municipality.

154. The Resident may, by notification, and in such other manner as he may determine, declare his intention—

(*a*) to exclude from a municipality any local area comprised therein and defined in the notification, or

(*b*) to include within a municipality any local area in the vicinity of the same and defined in the notification;

Provided that, where the local area is a military cantonment or part of a military cantonment, a notification shall not be published under this section in respect of it without the previous consent of the Governor-General in Council.

Alteration of limits of municipality.

155. (*1*) Any inhabitant of a municipality or local area in respect of which a notification has been published under section 154 may, if he objects to the alteration proposed, submit his objection in writing to the Resident within six weeks from the publication of the notification, and the Resident shall take the objection into consideration.

(*2*) When six weeks from the publication of the notification have expired, and the Resident has considered the objections (if any) which have been submitted under sub-section (*1*), the Resident may, by notification, exclude the local area from the municipality or include it therein, as the case may be.

Effect of exclusion of local area from municipality.

156. (*1*) When a local area is excluded from a municipality under section 155,—

(*a*) this Law, and all Rules, orders, directions and powers made, issued or conferred under this Law, shall cease to apply thereto; and

(*b*) the Resident shall, after consulting the committee, frame a scheme determining what portion of the balance of the municipal fund and other property vested in the committee shall vest in the Government for the benefit of the local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Government; and, on the publication of the scheme in the Residency Orders, the property and liabilities shall vest and be apportioned accordingly.

APPENDIX B—*concluded.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*concluded.*

Berar Municipal Law, 1886—concluded.

(2) All property vested in the Government under sub-section (1) shall be applied under the orders of the Resident to discharging the liabilities imposed on the Government under that sub-section, or for the promotion of the health, comfort, convenience or interest of the inhabitants of the local area.

Effect of including local area in municipality.

167. When a local area is included in a municipality under section 155, this Law, and all rules, orders, directions and powers made, issued or conferred under this Law and in force throughout the whole municipality at the time the local area is so included, shall apply to the local area.

Powers exercisable from time to time.

168. All powers conferred by this Law on the Governor-General in Council or on the Resident may be exercised from time to time as occasion requires.

Saving of Act XI of 1879.

169. Nothing in this Law shall affect the Local Authorities Loan Act, 1879, as applied to the Hyderabad Assigned Districts. XI of 1879.

Member of Committee to be municipal commissioner.

160. Every member of a committee constituted under this Law shall be deemed to be a municipal commissioner within the meaning of every enactment for the time being in force.

Vacancies and irregularities not to invalidate proceedings.

161. Anything done or any proceeding taken under this Law shall not be questioned on account of any vacancy in a committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

CHAPTER X.

EXCEPTIONAL PROVISIONS.

Power to exempt municipalities from operation of provisions of this Law regarding election.

162. (*1*) If it appears to the Resident that the circumstances of any municipality are such that the provisions of this Law requiring that a certain proportion of the members of a committee be elected are unsuited thereto, the Resident may, by notification, except the municipality, wholly or in part, from the operation of those provisions; and thereupon those provisions shall not apply or shall only apply in part, as the case may be, to the excepted municipality until again applied thereto by a like notification of the Resident:

Provided that a notification shall not be issued under this section in respect of a municipality for which a committee has come into existence unless its issue has been sanctioned by the Governor-General in Council.

(*2*) While the municipality continues to be excepted, wholly or in part, from the operation of the provisions mentioned in sub-section (*1*), the Resident may appoint such of the members of the committee as would otherwise have been elected.

Power to withdraw municipal area altogether from operation of this Law or Act IV of 1873.

163. (*1*) The Resident may, with the previous sanction of the Governor-General in Council by notification, withdraw from the operation of this Law or Act IV of 1873 the area of any municipality constituted under this Law or that Act.

(*2*) When a notification is issued under this section in respect of any municipality, this Law or that Act, as the case may be, and all rules, bye-laws, orders, directions and powers made, issued or conferred thereunder, shall cease to apply to the local area comprised in the municipality, the balance of the municipal fund and all other property which at the time of the issue of the notification is vested in the committee shall vest in the Government, and the liabilities of the committee shall be transferred to the Government.

All property vested in the Government under sub-section (2) shall be applied under the orders of the Resident to discharging the liabilities imposed on the Government by that sub-section, or for the promotion of the health, comfort, convenience or interest of the inhabitants of the local area comprised in the municipality.

[See Gazette of India, 6th November, 1886, Part I, page 666.]

APPENDIX C.

MISCELLANEOUS NOTES.

NOTE 1.—The reciprocal execution of decrees between all the Civil Courts in the Nizam's Dominions subordinate to the Resident at Hyderabad has been arranged under directions issued by the Resident in 1871 and 1878.

NOTE 2.—All processes issued by Courts in Berar, to which the provisions of section 650A of the Civil Procedure Code has been applied may be served free of charge by the Courts in the Bombay Presidency. Rule XIV of the Rules issued by the Bombay High Court under sections 20 & 22 of the Court Fees Act, VII of 1878.

[See *Bombay Government Gazette*, 19th July, 1888, Part I, p. 598.]

CHAPTER III.

CANTONMENTS.

[NOTE.—"A foreign army or fleet, marching through, sailing over, *or stationed in*, the territory of another State with whom the foreign sovereign to whom they belong is in amity, are also, in like manner, exempt from the civil and criminal jurisdiction of the place."—Wheaton's *International Law*, 8th ed., § 95. "A third case in which a sovereign is understood to cede a portion of his territorial jurisdiction was where he allows the troops of a foreign prince to pass through his dominions."—*Ib.*, § 99. "If a foreign army be permitted to pass through, or *be stationed* in, the territories of another State, the persons composing that army, or *being within its lines*, are entitled to extra-territorial privileges."—Phillimore, *International Law*, 2nd ed., vol. i, page 307. When a State allows another sovereign to exercise "jurisdiction" within its territory, the decree of a Court exercising such jurisdiction is binding upon every suitor submitting himself thereto with the consent of his sovereign.—*The Leconia* (P. C.), 33 L. J. N. S. Prob. Matrim. & Adm. 11; and see Phillimore, *International Law*, 2nd ed., vol. i, § 203; *ibid*, vol. ii, § 33.]

1.—THE CANTONMENT OF SIKANDARÁBÁD.

The British Enactments extending locally to the Cantonment of Sikandarábád consist of—

A.—British-Indian Enactments, namely—

1.—LOCAL RULES AND NOTIFICATIONS—

(a) made under Statutes extending generally to all Native States,

(b) made under Acts extending generally to all Native States.

B.—British-Sikandarábád Enactments, namely—

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—

(a) Enactments of the British-Indian Legislatures locally extended.
Acts of the Governor General in Council.

(b) Special Local* Laws.

2.—LOCAL RULES AND NOTIFICATIONS—

(a) made under Enactments of the British-Indian Legislatures locally extended.

(b) made under Special Local Laws.

* Some of the laws entered under this head are styled Rules; but they are all of the nature of principal rather than subsidiary enactments (See Preface).

PART II.—HYDERABAD—*continued.*—CHAPTER III.—CANTONMENTS.—1.—THE CANTONMENT OF SIKANDARABAD.

A.—British-Indian Enactments.

I.—Local Rules and Notifications*—

(a) made under Statutes extending generally to all Native States.

Year.	Reign.	Chapter.	Subject of Statute.	Section.	Subject of Notification.	Notification.
1881	44 & 45 Vict.	58	The Army Act, 1881.	133	Setting apart a room as part of the military prison.	*No. 158, dated the 21st March, 1884.*—In continuation of G. G. O. No. 488 of 1883, the Governor General of India in Council, in exercise of the powers conferred by section 133 of the Army Act, 1881, is pleased to set apart the buildings or parts of buildings at the stations as hereinafter detailed as part of the military prisons at those stations, and they are hereby declared to be part of such military prisons, namely— * * * * * *Sikandarábád.*—The room at the southern end of the detached building situated at the west gate of the south Station Hospital, formerly used as a guard-room. * * * * * [See *Gazette of India*, 22nd March, 1884, Part I, page 128.]

* In addition to the Notification here set out the Notification under 29 & 30 Vict., c. 15, s. 9, in chap. I of this part, page 15, extends also to this Cantonment.

A.—British-Indian Enactments—continued.

1.—LOCAL RULES AND NOTIFICATIONS*—

(*b*) made under Acts extending generally to all Native States—*continued.*

Year.	No.	Subject of Act.	Section.	Subject of Notification.	Notification.
1879	XXI	Foreign Jurisdiction	6	Appointing the Cantonment Magistrate a Justice of the Peace.	*No. 1265J., dated the 21st April, 1886.*—In exercise of the power conferred by section 6 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879), the Governor General in Council is pleased to appoint the officer for the time being holding the office of Cantonment Magistrate of Sikandarábád, being a European-British subject, to be a Justice of the Peace within the limits of that Cantonment. [See *Gazette of India*, 24th April, 1886, Part I, page 296.]
1886	II	Income Tax . .	40	Authorizing the Cantonment Magistrate of Sikandarábád to exercise any and all the powers of a Collector within the limits of the Cantonment.	*No. 25, dated the 20th February, 1886.*—In exercise of the power conferred by section 40 of Act II of 1886 (An Act for imposing a tax on incomes derived from sources other than Agriculture), the Resident is pleased to authorize the Cantonment Magistrate at Sikandarábád to exercise any and all of the powers of a Collector as defined in the said Act within the limits of the Sikandarábád and Bolarum Cantonments. [See *Hyderabad Residency Orders*, dated 1st March, 1886, Part I, page 26.]

* In addition to the Notifications here set out, those under Acts XV of 1872, II of 1874, XXI of 1879, and II of 1886 in Chapter I of this part, pages 19 to 21, extend also to this cantonment.

B.—British-Sikandarábád Enactments.

1.—Local Laws made by, or with the sanction of, the Governor General in Council.

(a) Enactments of the British-Indian Legislatures locally extended.

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
			(i).—Acts of the Governor General in Council.		
1841	XIX	Curators in succession.	The whole Act, except section 20.	In section 6, *for* "Courts of the East India Company," *read* "Courts in British India."	*No. 213 J., dated the 24th October, 1873.*—In supersession of all previous Notifications extending Acts to the Cantonment of Sikandarábád, the Governor General in Council is pleased to declare that the following Acts apply to the said Cantonment, to the extent and subject to the modifications hereinafter mentioned:— (Here follows a list of the Acts, which contains, among others, Act XIX of 1841.) [See *Gazette of India*, 1st November, 1873, Part I, page 930.]
1858	XL	Minors	The whole Act, except section 1 and the reference in section 25 to Act XXVI of 1854.	*For* "Collector of the District," *read* "Cantonment Magistrate."	Included in the list of Acts appended to Notification No. 213J., set out opposite Act XIX of 1841 above.
1859	XIII	Masters and workmen.	The whole Act, except section 5.	In section 1, *for* "any Presidency-town," *read* "in the Cantonment of Sikandarábád," and *for* "a Magistrate of Police," *read* "Cantonment Magistrate." In sections 2 and 3, *for* "Magistrate," *read* "Cantonment Magistrate."	*No. 130J., dated the 11th October, 1876.*—The Governor General in Council is pleased to declare that the following Acts apply to the Cantonment of Sikandarábád to the extent and subject to the modifications hereinafter mentioned:— (Here follows a list of the Acts, which contains, among others, Act XIII of 1859, for modifications in which see two preceding columns.) [See *Gazette of India*, 14th October, 1876, Part I, page 541.]
1860	IX	Workmen engaged in public works.	The whole Act, except section 9 and the last eighteen words of section 2.	.....	Included in the list of Acts appended to Notification No. 213J., set out opposite Act XIX of 1841, above.

B.—British-Sikandarábád Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
			(*i*).—*Acts of the Governor General in Council*—continued.		
1860	XXVII	Collection of debts on successions.	The whole Act, except section 1 and the definitions (in section 24) of "District Court" and "Sudder Court."	*For* "District Court," *read* "Court of Cantonment Magistrate." *For* "Sudder," *read* "Court of the Resident at Hyderabad."	Included in the list of Acts appended to Notification No. 213 J., set out opposite Act XIX of 1841, above.
„	XLV	The Penal Code.	The whole Act.	.....	Ditto.
1861	V	Police .	The whole Act, except— sections 2, 3, 5, 6, 11, 14, 15, 21, 46 and 47; in section 1, the definitions of "Magistrate of the district" and "General Police District"; in section 7, the words "Inspector-General," "Deputy Inspector-General," "Assistant Inspectors General and"; in section 13, the words "Inspector-General of Police, or any Deputy Inspector-General or Assistant Inspector-General or for the," and the words "subject to the general direction of the Magistrate of the district"; and, in the proviso to the same section, the words "Inspector-General, Deputy Inspector-General or Assistant Inspector-General or to the."	*For* section 4, *read* the following section:— "The administration and control of the police throughout the Cantonment of Sikandarábád shall, subject to the superintendence of the Resident at Hyderabad and to the general control of the Governor General of India in Council, be vested in the Cantonment Magistrate, to be styled the District Superintendent of Police, under whom there shall be an Assistant District Superintendent of Police, if the Resident at Hyderabad considers it necessary. The Assistant District Superintendent of Police shall, from time to time, be appointed by the Resident at Hyderabad, and may be removed by the same authority." In section 7, *for* the word "Superintendents," *read* the word "Superintendent." In sections 8, 10, 12 and 45, *for* the words "Inspector-General," wherever they occur, *read* the words "District Superintendent." *For* the words "Magis-	*No. 33 J., dated the 25th April, 1878.*—The Governor General in Council is pleased to declare that Act V of 1861 is extended to the Cantonment of Sikandarábád to the extent and subject to the modifications hereinafter mentioned;— (See two preceding columns.) [See *Gazette of India*, 27th April, 1878, Part I., page 279.]

B.—British-Sikandarábád Enactments—continued.

I.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
			(i).—*Acts of the Governor General in Council*—continued.		
1861	V —*contd.*	Police		trate of the District," "General Police District," and "Local Government," wherever they occur, *read* the words "Cantonment Magistrate of Sikandarábád," "Cantonment of Sikandarábád," and "Resident at Hyderabad," respectively.	
1864	VI	Whipping	The whole Act, except sections 8, 11 and 12.	*For* "Local Government," *read* "the Resident at Hyderabad."	Included in the list of Acts appended to Notification No. 213 J., set out opposite Act XIX of 1841, above.
1865	X	Succession	The whole Act, except sections 329 and 330 and the schedule, but not so as to affect Native Christians.	.....	Ditto.
1868	*XI	Mufassal Small Cause Courts.	The whole Act, except the portions of sections 2 and 47 repealed respectively by Acts XIV and VII of 1870.	*For* "High Court," *read* "the Court of the Resident at Hyderabad."	Ditto.
1866	X	Companies †	The whole Act, except sections 2, 219, 220, 221 and 222 and the schedule.	*For* "Local Government," *read* "Resident at Hyderabad," and *for* "High Court," *read* "Court of the Resident at Hyderabad."	Ditto.
1867	III	Public Gambling.	Clauses 3, 4, 5, section 1. Sections 3 to end, except sections 14 and 16, and except—in section 7, the words "before the same or any other Magistrate;" in section 8, the	Throughout the Act, *for* "Magistrate of a District," or "any Magistrate," or "a Magistrate," or "Magistrate," *read* "the Cantonment Magistrate." In sections 8 and 17, *for* "Lieutenant-Governor or Chief Commissioner,"	Included in the list of Acts appended to Notification No. 190J., set out opposite Act XIII of 1859, above.

* This Act has been repealed in British India by Act IX of 1887.
† This Act has been repealed in British India by Act VI of 1882.

B.—British-Sikandarábád Enactments—continued.

1.—Local Laws made by, or with the sanction of, the Governor General in Council—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
			(i).—Acts of the Governor General in Council—continued.		
1867	III —*contd.*	Public Gambling.	word "convicting."	*read* "Resident at Hyderabad." In section 10, *for* "the same or any other," *read* "such." In section 17, *for* "61," *read* "307."	
"	VII	Buying Soldiers' Arms, &c.	The whole Act	.....	Included in the list of Acts appended to Notification No. 213J., set out opposite Act XIX of 1841, above.
1868	I*	General Clauses.	The whole Act, except sections 7 and 8.	In section 2, *after* the word "operation," *insert* "and extended to the Cantonment of Sikandarábád."	Ditto.
1869	IV	Divorce	The whole Act, except so much of sections 47 and 49 as relates to stamps.	.....	Ditto.
"	V	Native Articles of War.	The whole Act, except the first three clauses of Part I, para. (*c*).	*For* "Local Government," *read* "Resident at Hyderabad."	Ditto.
"	†XXI	European Vagrancy.	The whole Act, except section 2.	*For* "Local Government," *read* "Resident at Hyderabad."	Ditto.
1870	VII	Court-fees	The whole Act, except Chapters I and II, Schedule III, and so much as is repealed by Acts XVI and XX of 1870, VIII of 1871 and XV of 1872.	*For* "Local Government," *read* "Resident at Hyderabad," and *for* "District Judge," *read* "Cantonment Magistrate."	Ditto.
"	XX	Amending Court-fees Act.	The whole Act	.....	Ditto

* This Act has been amended in British India by the General Clauses Act, I of 1887.

† This Act has been repealed in British India by Act IX of 1874, which extends to the dominions of Princes and States in India in alliance with Her Majesty—*See* section 1; but as to commencement of certain portions in Native States, *See* note at page 7 of Part I of this volume.

B.—British-Sikandarabád Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

(i).—*Acts of the Governor General in Council*—continued.

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
1870	XXVII	Penal Code Amendment.	The whole Act	In section 14, *for* "Local Government," *read* "Resident at Hyderabad."	Included in the list of Acts appended to Notification No. 213J., set out opposite Act XIX of 1841, above.
1871	I	Cattle-trespass.	Ditto . . .	.....	Ditto.
"	V	Prisoners .	Ditto . . .	So far as it may be applicable. [See Acts IX of 1882 and X of 1886 below.]	*No. 3862I., dated the 17th September, 1886*—The Governor General in Council is pleased to extend the Prisoners Act, V of 1871, as amended by Acts IX of 1882 and X of 1886, section 25, and so far as it may be applicable, to the Cantonment of Secunderabad, with effect from the 1st January, 1883. [See *Gazette of India*, 18th September, 1886, Part I, page 527.]
1872	I	Evidence .	Ditto . . .	.....	Included in the list of Acts appended to Notification No. 213J, set out opposite Act XI of 1841, above.
"	IX	Contract .	Ditto . . .	.....	Ditto.
"	XI*	Foreign Jurisdiction and Extradition.	The whole Act, except section 2 and the first schedule	.....	Ditto.
"	XV	Christian Marriage.	The whole Act .	*For* "Local Government," *read* "Resident at Hyderabad"	Ditto.
"	XVIII	Evidence Act Amendment.	The whole Act, except section 12.	.....	Ditto.

* This Act has been repealed by Act XXI of 1879, which applies to Native Indian subjects of Her Majesty beyond the limits of British-India and to European-British subjects within the dominions of Princes and States in India in alliance with Her Majesty; but as that Act has never been extended to the Cantonment, Act XI of 1872 is apparently still in force, so far, at any rate, as regards persons other than British subjects.

B.—British-Sikandarábád Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
			(i).—Acts of the Governor General in Council—continued.		
1872	XIX	Definition of 'Coin' (Penal Code).	The whole Act	.....	Included in the list of Acts appended to Notification No. 213 J., *set out opposite* Act XIX of 1841, above.
„	XXI*	Native Military Lunatics.	Ditto	.....	Ditto.
1873	X	Oaths	The whole Act, except section 2 and the schedule.	.....	Ditto.
„	XIV	Military Lunatics' Property.	The whole Act	.....	Ditto.
1876	I†	Telegraphs	The whole Act, except the preamble, section 2 and paragraph (*c*) of section 8.	*For* the second paragraph of section 1, *read* "It extends to the Cantonment of Sikandarábád." In the first paragraph of section 5 and in section 16 *for* the words "Local Government," *read* the words "Resident at Hyderabad." In the second paragraph of section 5, *for* the words "to the Local Government," *read* the words "by the Resident at Hyderabad." In section 16, *after* the word "Telegraph," where it first occurs, *add* the words "in India;" *after* the word "place," where it first occurs, *add* the words "within the Cantonment of Sikandarábád;" and *for* the words "the Magistrate of the District" and "a Magistrate," *read* the words	*No. 3527 I., dated the 18th September, 1884.*—The Governor General in Council is pleased to extend the Indian Telegraph Act (No. I of 1876) to the Cantonment of Sikandarábád, subject to the following modifications, namely:— (See two preceding columns.) [See *Gazette of India*, 20th September, 1884, Part I, page 330.]

* This Act has been repealed by Act XI of 1877, which extends, so far as regards subjects of Her Majesty, to the dominions of Native Princes and States in India in alliance with Her Majesty; but as that Act has never been extended to this Cantonment, Act XXI of 1872 is apparently still in force, so far at any rate as regards persons other than British subjects.

† This Act has been repealed by Act XIII of 1885, which extends, so far as regards subjects of Her Majesty, to the dominions of Princes and States in India in alliance with Her Majesty, but as that Act has never been extended to this Cantonment, Act I of 1876 is apparently still in force there, so far at any rate as regards persons other than British subjects.

B.—British-Sikandarábád Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
			(i).—*Acts of the Governor General in Council*—continued.		
1876	I —*contd.*	Telegraphs		"the Cantonment Magistrate." In section 17, *for* the words "to the Local Government," *read* the words "of the Resident at Hyderabad." *For* the words "British India," wherever they occur, *read* the words "the Cantonment of Sikandarábád."	
1877	I	Specific Relief.	The whole Act	.....	*No. 77 J., dated the 27th June, 1887.*—His Excellency the Governor General in Council is pleased to extend the provisions of Act I of 1877 (The Specific Relief Act) and Act III of 1877 (The Indian Registration Act) to * * * the Cantonment of Sikandarábád. [See *Gazette of India*, 30th June, 1887, Part I, page 837.]
"	III	Registration	Ditto	.....	
"	XV	Limitation	Ditto	*For* the words "1st day of October, 1877," *read* the words "1st day of September, 1878"; *for* the words "High Court," *read* the words "Court of the Resident at Hyderabad;" and for the words "British India," *read* the words "the Cantonment of Sikandarábád."	*No. 121 J., dated the 19th July, 1878.*—With reference to Foreign Department Notification No. 13 J., dated the 1st* February last, the Governor General in Council is pleased to direct that the provisions of Act XV of 1877 (The Indian Limitation Act) shall, on and from the first day of September, 1878, be in force in the Cantonment of Sikandarábád, subject to the following modifications:— (see preceding column). [See *Gazette of India*, 20th July, 1878, Part I, page 440.]
1879	I	Stamps	Ditto	*For* the words "[Local Government" and "British India," wherever they occur, *read* the words "Resident at Hyderabad"	*No. 119 J., dated the 4th June, 1879.*—The Viceroy and Governor General in Council is pleased to extend to the Cantonment of Sikan-

* *Sic*, Read 19th. That Notification is superseded by the present one, No. 131 J.

B.—British-Sikandarábád Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
			(i)—*Acts of the Governor General in Council*—continued.		
1879	I —*contd.*	Stamps		and "the Cantonment of Sikandarábád." *For* the word "April," in the last paragraph of section 1, and in section 5, clause (a), *read* the word "June." In section 46, after the words "Central Provinces," *add* the words "the Cantonment of Sikandarábád."	Sikandarábád, Act I of 1879 (the Indian Stamp Act, 1879), subject to the modifications noted below :— (see preceding column). * * * * *† [See *Gazette of India*, 7th June, 1879, Part I, page 304.]
,,	III	Destruction of Records.		See the Notification.	*No. 229 I.-J., dated 15th August, 1879.* [See appendix where this Notification is set out.]
,,	IV	Railways	The whole Act, except the second paragraph of section 1; the third paragraph of section 2; in section 3, in the definition of Railway Administration, the words "or a Native State," and in section 50, the words "a Presidency Magistrate and."	.....	*No. 171 I.-J., dated the 10th July, 1879.*—The Governor General in Council is pleased to extend the provisions of Act IV of 1879 (The Indian Railway Act, 1879,) to the Cantonment of Sikandarábád, subject to the following modifications, namely :—, (see fourth column). [See *Gazette of India*, 12th July, 1879, Part I, page 465.]
,,	XII‡	Amending the *Civil Procedure Code, 1877*, Registration Act, 1877, and Limitation Act, 1877.	The whole Act, in so far as it may be applicable.	.....	*No. 49 I. J., dated the 29th January, 1881.*—The Governor General in Council is pleased to extend Act No. XII of 1879 (An Act to amend the Code of Civil Procedure, the Registration Act, 1877, and the Limitation Act, 1877), in so far as it may be applicable, to the Cantonment of Sikandarábád. [See *Gazette of India*, 29th January, 1881, Part I, page 35.]

† For the rest of this Notification here omitted, see p. 203.

‡ So much of this Act as amended the Civil Procedure Code (viz., sections 1 to 198) has been repealed by Act XIV of 1882, which was extended to the Cantonment of Sikandarábád on the 3rd May, 1883 (*See* page 191).

B.—British-Sikandarábád Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
			(i).—*Acts of the Governor General in Council*—continued.		
1879	XX	Glanders and Farcy.	The whole Act	*For* the words "Local Government," wherever they occur, *read* "Resident at Hyderabad."	*No. 170 I. J., dated the 10th August, 1881.*—His Excellency the Viceroy and Governor General in Council is pleased to extend Act XX of 1879 (An Act to provide for the better prevention of glanders and farcy among horses) to the Cantonment of Sikandarábád, with effect from the 1st September, 1881, subject to the following modifications:— (See preceding column.) [See *Gazette of India*, 13th August, 1881, Part I, page 328.]
1880	III	Cantonments.	* The whole Act, except the second paragraph of section 1; in section 10 the words "situate in the territories administered by such Government"; in section 12, the words "to which a Cantonment Magistrate may be appointed," "of any cantonment to which the said Act is so extended," "the Magistrate of the District and," and the second paragraph; in section 13, the words "to which the provisions of the said Act No. XX of 1856 are extended"; in section 25, the second para-	*For* the words "Local Government," wherever they occur, *read* the words "Resident at Hyderabad." *For* the words "any cantonment," or "a cantonment," wherever they occur, *read* the words "the Cantonment of Sikandarábád." *For* section 3, *read* the following section:— "3 (*a*) There shall be a Cantonment Magistrate in the Cantonment of Sikandarábád, who shall be such person as the Governor General in Council from time to time appoints in this behalf: *Provided* that whenever the Cantonment Magistrate of Sikandarábád may be temporarily absent, or whenever his office may be temporarily vacant, during such absence, or	*No. 701, dated the 7th January, 1884.*—I. The Governor General in Council is pleased to extend Act III of 1880 ("The Cantonment Act, 1880") to the Cantonment of Sikandarábád, subject to the following modifications, namely:— (See two preceding columns.) II. The Notification by the Government of India, in the Foreign Department, No. 33 I. J., dated the 27th January, 1881 (extending the Cantonments Act, 1880, to the Cantonment of Sikandarábád) is hereby cancelled. *Provided* that the Notification hereby cancelled shall be deemed to have had effect as if the modifications made by paragraph I of the present Notification in the words "Local Government," and in sections 4, 5 and 6 of the Cantonments Act, had been

* Section 3 of this Act has been repealed by Act VIII of 1887, which was extended to the Cantonment by Notification No. 4691 I., dated the 21st November, 1888—*See* p. 196.

B.—British-Sikandarábád Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
				(*i*).—*Acts of the Governor General in Council*—continued.	
1860	III —*contd.*	Cantonments	graph; and sections 31 and 32.	until the Governor General in Council fills up the vacancy, the powers conferred upon the Cantonment Magistrate by this Act shall vest in the Resident at Hyderabad, or in any person whom he appoints in this behalf. "(*b*) The Cantonment Magistrate shall exercise the powers of a District Magistrate, as described in the Code of Criminal Procedure, within the limits of the Cantonment of Sikandarábád. "(*c*) The Resident at Hyderabad may invest the Cantonment Magistrate with the powers described in section 30 of the Code of Criminal Procedure." *For* section 4, *read* the following section:— "4 (*a*) The Governor General in Council may appoint any person, either by name or in virtue of his office, to be an Assistant Cantonment Magistrate in the Cantonment of Sikandarábád. "(*b*) The Resident at Hyderabad may invest any person so appointed to be an Assistant Cantonment Magistrate with the powers of a Magistrate of the first, second, or third class as described in the Code of Criminal Procedure." In the second paragraph of section 5, *for* the words "five hundred," *read* the words "one thousand." In section 6, *for* the words "fifty," *read* the words "five hundred." *For* sec-	made by the cancelled Notification. [See *Gazette of India*, 12th January, 1884, Part I, page 8.]

B.—British-Sikandarábád Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.*	Modifications.	Notification.
			(i).—*Acts of the Governor General in Council*—continued.		
1880	III —*contd.*	Cantonments.		tion 9, *read* the following:— "9 (*a*) All the provisions of Act V of 1861 shall be applicable to the police force employed in the Cantonment of Sikandarábád. "(*b*) The administration of the police in the Cantonment of Sikandarábád shall, subject to the general control and direction of the Commanding Officer, be vested in such person or persons as the Resident at Hyderabad by name or in virtue of office appoints in this behalf." In section 13, *for* the words "same Act," *read* the words and figures "said Act, No. XX of 1856." In sections 21 and 22, *for* the words "the territories administered by such Government," *read* the words "British India." In section 34, *for* the words "Commanding Officers of Cantonments or," *read* the words "the Commanding Officer of the Cantonment or of Commanding Officers."	
"	XIV	Census	* The whole Act, except— in section 5, in clause (*a*), the words "or naval," in both places in which they occur, and the words "or of any vessel of war," and in the last paragraph but one the words "or, in the towns of	*For* the expressions "British India" and "Local Government," wherever they occur, *read* the expressions "the Cantonment of Sikandarábád" and "Resident at Hyderabad," respectively. *For* section 6, *read* the following section:— "6. The Cantonment Magistrate may, by an order written, printed or litho-	*No. 11 G. J., dated the 23rd December, 1880.*—The Governor General in Council is pleased to extend Act XIV of 1880 (The Indian Census Act, 1880), to the Cantonment of Sikandarábád, subject to the following modifications:— (See two preceding columns). [See *Gazette of India*, 25th December, 1880, Part I, page 704.]

* Spent, as the Census contemplated by the Act has been taken.

B.—British-Sikandarábád Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
			(*i*).—*Acts of the Governor General in Council*—continued.		
1880	XIV —*contd.*	Census	Calcutta, Madras and Bombay, by such officer as the Local Government may appoint in this behalf," and the words "or officer:" in section 12, in the last paragraph, the words "in the towns of Calcutta, Madras and Bombay," and the words "before a Presidency Magistrate, and elsewhere:" in section 13, the words and figures "or Chapter XVIII of the Presidency Magistrates' Act, *1880.*"*	graphed, call upon all owners, occupiers of land, tenure-holders, farmers and assignees of land-revenue in the Cantonment, or their agents, to give such assistance as he needs towards the taking of the census of the persons who are at the time of taking the census on the land of such owners, occupiers, holders, farmers and assignees. "Such order shall specify the nature of the assistance required, and such owners, occupiers, holders, farmers and assignees, or their agents, shall be bound to obey it."	
1882	IX	Prisoners' Act Amendment.	The whole Act, so far as it amends Act V of 1871.	.....	See Notification No. 3362I., dated 17th September, 1887, set out opposite Act V of 1871, above.
"	X	Criminal Procedure.	The whole Act	.....	*No. 1496I., dated the 21st December, 1882.*—The Governor General in Council is pleased to extend the provisions of Act X of 1882 (The Code of Criminal Procedure) to the Cantonment of Sikandarábád, with effect from the 1st January, 1883. [See *Gazette of India*, 23rd December, 1882, Part I, page 523.]
"	XIV	Civil Procedure.	The whole Act, except section 185, and, in clause (*b*) of section 295, the word "is," where it first occurs.	In section 1, the third paragraph of section 3, and section 99A, *for* the words and figures "first day of June, 1882," *read* the words and figures	*No. 1100 I., dated the 3rd May, 1883.*—In supersession of Foreign Department Notification No. 118 J., dated the 19th June, 1878, the Governor General in Council is

* *Sic.* Read "1877."

B.—British-Sikandarābād Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
				(c).—*Acts of the Governor General in Council*—continued.	
1882	XIV —*contd.*	Civil Procedure.		"first day of June, 1883." In the fourth paragraph of section 3, *for* the words "twenty-ninth day of July," *read* the words "tenth day of October." *For* section 37, *read* the following section :— "The recognised agents of parties, by whom such appearances, applications, and acts may be made or done, shall be such persons as the Resident may, from time to time, by notification in the official Gazette, declare in this behalf." To section 100, *add* the following words :— "In cases falling under clause (*a*) of this section, the Court may, in its discretion, instead of proceeding *ex parte*, issue a warrant to arrest and detain the defendant till another day appointed for the hearing of the case, and further may attach his property." In section 182, *for* the words "in the language of the Court, by, or in the presence and under the personal direction and superintendence of, the Judge," *read* the words "by the Judge in his own language, or in English if he is sufficiently acquainted with that language." *Add* the following proviso to section 182 :— "Provided that in cases tried by a European officer who has not passed the examination in the Native languages prescribed for Assistant Commissioners	pleased to extend the provisions of Act XIV of 1882 ("The Code of Civil Procedure") to the Cantonment of Sikandarābād, with effect from the first day of June, 1883, to the extent, and subject to the modifications, hereinafter contained :— (see two preceding columns.) [See *Gazette of India*, 5th May, 1883, Part I, page 201.]

B.—British-Sikandarbád Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.

(i).—*Acts of the Governor General in Council*—continued.

1882	XIV —*contd.*	Civil Procedure.		exercising special powers, the evidence of witnesses shall be recorded, in the same manner, in their own language, by an officer of the Court, in the presence and under the personal direction and superintendence of the Judge." In section 484, *for* the word "sum," where it last occurs, *read* the word "same." In clause (9) of section 588, *for* the word "or," *read* the word "for." In section 619, *after* the word "Registrar," *add* the words "or other officer of the Court." *For* section 622, *read* the following section:— "When any decree or order from which no appeal lies, or no appeal other than that provided by Chapter XLII, is passed by any Court subordinate to the Court of the Resident, the Resident may, in his discretion, call for the record of the case and pass such order thereon as he may think fit." *For* the expressions "High Court," "British India," "Local Government," wherever they occur, *read*, respectively, the expressions "the Court of the Resident at Hyderabad," the Cantonment of "Sikandarábád," "Resident at Hyderabad."	
1884	III	Criminal Procedure Code Amendment.	The whole Act, so far as it does not already apply.	.....	*No. 2611 I., dated the 18th August, 1885.*—The Governor General in Council is pleased to extend Act III of

B.—British-Sikandarábád Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
			(i).—*Acts of the Governor General in Council*—continued.		
1884	III —*contd.*	Criminal Procedure Code Amendment.			1884 (An Act to amend the Code of Criminal Procedure, 1882) to the Cantonment of Sikandarábád, in so far as the Act does not already apply to that Cantonment under section 8 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879). [See *Gazette of India*, 22nd August, 1885, Part I, page 498.]
"	IV	Explosives .	The whole, so far as it may be applicable, except sections 3, 11 and 15 and sub-section (2) of section 6 and sub-section 3 of section 9.	(a) In section 1, sub-section (2), for the words "whole of British India" the words "Cantonment of Sikandarábád" shall be read. (b) In section (2), sub-section (1), for the words "on such day as the Governor General in Council, by Notification in the *Gazette of India*, appoints" the words "on the first day of January, 1888," shall be read. (c) In section 4, sub-section (6), for the words "British India by sea or land" the words "the Cantonment of Sikandarábád" shall be read. (d) For the first thirty-six words of section 5, sub-section (1), the words "The Resident at Hyderabad, with the previous sanction of the Governor General in Council, may" shall be read. (e) In section (7), sub-section (1), for the words "Governor General in Council or the Local Government," the words "Resident at Hyderabad" shall be read.	*No. 4734 I., dated the 4th November, 1887.*—The Governor General in Council is pleased to extend to the Cantonment of Sikandarábád, so far as they may be applicable, the provisions of the Indian Explosives Act, IV of 1884, subject to the following modifications, namely :— (see two preceding columns). [See *Gazette of India*, 5th November, 1887, Part I, page 568.]

B.—*British-Sikandarábád Enactments*—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*continued.*

Year.	No.	Section.	Extent of application.	Modifications.	Notification.
			(5).—*Acts of the Governor General in Council*—continued.		
1884	IV —*contd.*	Explosives.		(*f*) In section 9, sub-section (1), for the words "a District Magistrate," sub-divisional Magistrate or any other Magistrate specially empowered by the Local Government in this behalf," the words "the Cantonment Magistrate of Sikandarábád" shall be read. (*g*) For section 18, sub-section (5), the following shall be read, namely: (5) A rule made under this Act shall not take effect until it has been published in the Hyderabad Residency Orders." (*h*) In section 18, sub-section (6), for the word "Gazette" the words "Hyderabad Residency Orders" shall be read. (*i*) The following shall be omitted:— In section 13, the words "or port," "ship" and "or conservator of the port" (see also preceding column, in previous page).	
1886	IV	Contract* Act Amendment.	The whole Act, so far as it may be applicable.	.....	*No. 4591I., dated 21st November, 1888.*—Whereas the Governor General in Council has power and jurisdiction within the Cantonment of Secunderabad in exercise of such power and jurisdiction, and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to extend the provisions, so far as they may be

* This Act was also extended to this Cantonment by Notification No. 3810 I., dated the 25th September, 1888, which has not been expressly superseded.

B.—British-Sikandarábád Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*concluded.*

Year.	No.	Section.	Extent of application.	Modifications.	Notification.
			(c).—*Acts of the Governor General in Council*—concluded.		
1886	VII —*contd.*	Contract Act Amendment.			applicable, of the following enactments to the Cantonment of Secunderabad, namely :— (Here follows a list of Acts including Act IV of 1886). [See *Gazette of India*, 24th November, 1888, Part I, page 530.]
„	VII	Registration Act Amendment.	The whole Act, so far as it may be applicable, except sections 3 and 6.	.....	Included in the list of Acts appended to the preceding Notification.
„	X	Criminal Procedure Code, &c., Amendment.	*The whole, except sections 3, 4 and 20, and so much of section 12 as enacts the new section 475A of the Code.	(1) *For* "the Local Government," "that Government," and "a Local Government," wherever those words occur, *read* "the Resident at Hyderabad." (2) In section 23, for "British India," wherever those words occur, *read* "the Cantonment of Sikandarábád." (3) In section 25, *for* "within the territories subject to the same Local Government," wherever those words occur, *read* "in the *Hyderabad Assigned Districts.*" (4) In the last clause of section 25, obtit the word "other."	*No. 3442I., dated the 23rd September, 1886.*—The Governor General in Council is pleased to extend Act X of 1886 (An Act to amend the Code of Criminal Procedure, 1882, and certain other Acts), with the exception of (see fourth column) to the Cantonment of Secunderabad, subject to the following modifications :— (see preceding column.) [See *Gazette of India*, 23rd September, 1886, Part I, page 540.]
1887	VIII	Military Courts of Requests.	The whole Act, so far as it may be applicable.	.....	Included in the list of Acts appended to Notification No. 4501I., dated 21st November, 1888, set out opposite Act IV of 1886 above.
1888	VI	Debtors	The whole Act, so far as it may be applicable, except sections 9 and 10.	.....	Ditto.
„	VII	Civil Procedure Code Amendment.	The whole Act, so far as it may be applicable, except section 17.	.....	Ditto.

* See also the Notification extending Act V of 1871 set out opposite that Act above, under which so much of Act X of 1886 was extended to the Cantonment as amended Act V of 1871.

B.—British-Sikandarábád Enactments—continued.

1.—Local Laws made by, or with the sanction of, the Governor General in Council—*contd.*

(b) Special Local Laws.

When made.	Subject.	Notification.	Remarks.
1869	Commitments by Cantonment Magistrate, and appeals.	*No. 29, dated the 18th February, 1869.*—The Viceroy and Governor General in Council is pleased to declare that all criminal cases committed from the Court of the Cantonment Magistrate at Sikandarábád shall, in future, be tried and determined by the First Assistant Resident at Hyderabad, who will, in respect of such commitments, exercise the powers of a Sessions Judge. His Excellency in Council is further pleased to declare that all appeals from the decisions of the First Assistant Resident in such cases shall be heard and determined by the Resident at Hyderabad. [See *Gazette of India*, 20th February, 1869, page 204.]	So much of this Notification as related to the Hyderabad Residency Bazaars has been cancelled by *Notification* No. 1937 I., dated 22nd May, 1885—*See* Appendix A to Chapter IV of this part, page 237.
1876	Constituting the First Assistant Resident's Court an Appellate Court in Civil and Criminal matters from the decisions of the Cantonment Magistrate of Sikandarábád.	No. 168, dated 15th February, 1876. [See *Hyderabad Residency Orders*, 15th February, 1876, Part I, page 92.]	*See* Appendix A to Chapter IV of this Part, where this Notification is set out page 233.
1881	Empowering the Cantonment Magistrate to try all offenders within the limits of the Cantonment charged with a breach of the opium rules in force in the Nizam's Dominions.	Resident's G. O. No. 18, dated the 17th September, 1881.	*See* Appendix A on page 224, where this Notification is set out.
1883	Rules regulating Legal Practitioners in the Court of the Resident at Hyderabad and in the Courts subordinate thereto and their amendments.	Government of India letter No. 385 J., dated 23rd February, 1883.	These Rules are set out in Appendix B to Chapter II of this part, page 119.
1884	Rules for regulating the reciprocal execution of decrees passed by the (Nizam's) City and Suburban Courts, the Cantonment Magistrate at Sikandará-	No. 26, dated 19th December, 1884.	These Rules were sanctioned by the Government of India's letter No. 3953 I., dated 25th October, 1884. They are set out in Appendix B to this Chapter—see page 208.

B.—British-Sikandarábád Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*concld.*

(*b*) Special Local Laws—*concluded.*

When made.	Subject.	Notification.	Remarks.
	bád, and the Superintendent of the Hyderabad Residency Bazaars, and the realization of the State demands of the British and His Highness the Nizam's Governments.		
1884	Rules for the surrender of Hyderabad subjects accused of criminal offences and present or living in the Cantonment of Sikandarábád, and also for making requisitions for the surrender by His Highness the Nizam's Government of persons accused of having committed a criminal offence within the Cantonment of Sikandarábád.	No. 27, dated 20th December, 1884.	These Rules are set out in Appendix B to this Chapter—see page 208.
1887	The Sikandarábád Hackney Carriage Law, 1887.	No. 4330 I., dated 30th September, 1887. [See *Gazette of India*, 1st October, 1887, Part I, page 487.]	This Law is set out in Appendix B to this Chapter, page 209.

B.—British-Sikandarábád Enactments—continued.

2.—LOCAL RULES AND NOTIFICATIONS—

(a) made under Enactments of the British-Indian Legislatures locally extended.

Year.	No.	Subject of Act.	Section.	Subject of Notification.	Notification.
1865	† XI	Small Cause Courts.	48 & 51	Extending the pecuniary jurisdiction of the Judge of the Small Cause Court, and investing the Judge with the powers of a Principal Sadr Amín.	*No. 339, dated the 18th December, 1868.*—His Excellency the Viceroy and Governor General in Council is pleased, under the provisions of section 48 of Act XI of 1865, to extend the pecuniary jurisdiction of the Judge of the Cantonment Small Cause Court at Sikandarábád to Rs. 1,000, the highest limit assignable under section 7 of the Act; and, under Section 51 of the same Act, to invest the Judge of the said Court with powers of a Principal Sadr Amín, with retrospective effect from 20th May, 1865. * * * [See *Gazette of India*, 19th December, 1868, page 1833.]
1870	VII	Court-fees . .	20	Berar Process Service Rules.	Government of India letter No. 4488, dated 13th December, 1872. [See *Gazette of India*, 14th December, 1872, Part I, page 1160.] Introduced into the Cantonment of Sikandarábád by Resident's letter No. 3559, dated 7th February, 1873.
,,	,,	Ditto . . .	...	Amended rule regulating the levy of fees on processes issued by Courts in the Cantonment and sent for service to the Presidency Small Cause Courts at Bombay, Calcutta or Madras.	No. 26, dated 20th February, 1886. [See *Hyderabad Residency Orders*, 1st March, 1886, Part I, page 26.]
1871	V	Prisoners . . .	33	Appointing the Central Jail at Akola as a place to which prisoners sentenced to transportation in the Cantonment shall be sent, with effect from 1st January, 1883.	*No. 3364 I., dated the 17th September, 1887.*—Under section 33 of the Prisoners' Act, V of 1871, as modified by the Prisoners' Act Amendment Act, IX of 1882, and as extended to the Cantonment of Sikandarábád, the Governor General in Council is pleased

† This Act has been repealed in British India by Act IX of 1887.

B.—British-Sikandarábád Enactments—continued.

2.—Local Rules and Notifications—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Notification.	Notification.
1871	V —*contd.*	Prisoners.			to appoint the Central Jail at Akola to be a place to which prisoners sentenced in the Cantonment of Sikandarábád to transportation shall be sent. 2. This Notification shall be deemed to have had effect from the 1st January, 1883. [See *Gazette of India*, 18th September, 1886, Part I, page 527.]
1877	III	Registration . .	9	Declaring the Cantonment to be a sub-district and appointing Inspector-General, Registrar, and Sub-Registrar.	*No. 215J., dated the 24th October, 1873.*—With reference to the separate Notification of this date, No. 214J.,* the Governor General in Council is pleased, under the provisions of section 9 of Act VIII of 1871† (The Indian Registration Act, 1871), to declare the Cantonment of Sikandarábád to be a sub-district for the purposes of the said Act. The Governor General in Council is also pleased to appoint the Inspector-General of Registration in the Hyderabad Assigned Districts to be the Inspector General; the Cantonment Magistrate of Sikandarábád to be "Registrar of the District"; and the *Assistant Cantonment Magistrate of Sikandarábád* to be Sub-Registrar of the sub-district aforesaid. [See *Gazette of India*, 1st November, 1873, Part I, page 931.] *No. 189J., dated the 12th November, 1878.*—In modification of Foreign Department Notification, dated the 24th October, 1873, No. 215J., the Governor General in Council is pleased, under the provi-

* This Notification extended Act VIII of 1871. It has been superseded by Notification No. 77J., dated 27th June, 1877, extending Act III of 1877—*See* page 186.

† This Act has been repealed by Act III of 1877, which was extended to the Cantonment by Notification No. 77J., dated 27th June, 1877—*See* page 186, but the Notification is kept in force by section 2 of that Act.

B.—British-Sikandarábád Enactments—continued.

2.—LOCAL RULES AND NOTIFICATIONS—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Notification.	Notifications.
1877	III —*contd.*	Registration			sions of section 9 of Act VIII of 1871 (The Indian Registration Act, 1871), to appoint the Muharrir for the time being of the District Magistrate's Court to be the Sub-Registrar of the sub-district of Sikandarábád. [See *Gazette of India*, 10th November, 1878, Part I, page 62.]
"	"	Ditto . .	...	Directing that in Notification No. 180J., dated 12th November, 1878, for the words "Act VIII of 1871" and "District Magistrate's Court," the words "Act III of 1877" and "Office of the Registrar of the District," respectively, should be substituted.	No. 35J., dated 20th February, 1879. [See *Hyderabad Residency Orders*, 15th March, 1879, page 109.]
"	"	Ditto . .	69	Rules framed under the Act by the Inspector-General of Registration.	No. 190, dated 15th October, 1883; No. 6, dated 29th January, 1884; No. 55, dated 19th March, 1884; No. 160, dated 1st August, 1884; No. 244, dated 3rd December, 1884; No. 257, dated 18th December, 1884; No. 7, dated 19th January, 1885. [See *Hyderabad Residency Orders*, 15th October, 1883, page 127; *ibid*, 1st February, 1884, page 14; *ibid*, 1st April, 1884, page 45; *ibid*, 1st August, 1884, page 105; *ibid*, 15th December, 1884, page 163; *ibid*, 3rd January, 1885, page 4; *ibid*, 2nd February, 1885, page 16.]
"	"	Ditto . .	78	Applying to the Cantonment the Revised table of Registration Fees for the Hyderabad Assigned Districts.	*No. 9, dated the 6th July, 1886.*—With the sanction of the Government of India, the Resident is pleased to extend to the Cantonment of Sikandarábád the revised table of Registration Fees for the

B.—British-Sikandarábád Enactments—continued.

2.—LOCAL RULES AND NOTIFICATIONS—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Notification.	Notification.
1877	III *contd.*	Registration.			Hyderabad Assigned Districts, published in the Residency Orders* Notification No. 113, dated 1st June, 1886, with effect from the 1st August, 1886. [See *Hyderabad Residency Orders*, dated 15th July, 1886.]
1879	I	Stamps	8	Remitting duty in the Cantonment on bills of exchange, &c.	*No 119 I.J., dated the 4th June, 1879.* * * † II. In exercise of the power conferred by section 8 of the said Act [1 of 1879], the Governor General in Council is pleased to direct that bills of exchange and cheques which may be drawn in British India, and on account of which the full rate of stamp-duty may have been paid there, shall be exempted from the further payment of stamp-duty on being negotiated in the Cantonment of Sikandarábád.‡ III. And, in further exercise of the power conferred by the said section, the Governor General in Council is pleased to declare that all bills of exchange, cheques, promissory notes and receipts shall be exempt from stamp-duty in the Cantonment of Sikandarábád when drawn or executed therein. [See *Gazette of India*, 7th June, 1879, Part I, page 304.]
,,	IV	Railways	53	Declaring that the Resident at Hyderabad shall be deemed to be the "Local Government."	*No. 196 I.J., dated the 25th July, 1879.*—With reference to Foreign Department Notification No. 1711.I., dated 10th July, 1879,§ and in exercise of the power conferred by section 53 of the

* For this Notification *see* p. 73.
† For Part I of this Notification, which relates to the extension of Act I of 1879 to the Cantonment, *see* p. 197.
‡ For exemption of bills of exchange and cheques drawn in Sikandarábád from stamp-duty in British India, *See* Appendix C to this Chapter.
§ This Notification extends the Railway Act. It is set out on p. 197.

B.—British-Sikandarábád Enactments—continued.

2.—Local Rules and Notifications—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Notification.	Notification.
1879	IV —*contd.*	Railways .			Indian Railway Act, 1879, the Governor General in Council is pleased to declare that the Resident at Hyderabad shall be deemed to be, for the purposes of the said Act, the Local Government in respect of such portions of railways as are situate within the Cantonment of Sikandarábád. [See *Gazette of India*, 26th July, 1879, Part I, page 509.]
,,	XX	Glanders and Farcy.	14	Rules under the Act.	No. 25, dated the 4th September, 1883. [See *Hyderabad Residency Orders*, 1st September, 1883, page 110.]
1880	III	Cantonments .	27, clause 7	*Rules regarding Lock Hospitals.	[*Hyderabad Residency Orders*, dated 20th July, 1869.]
,,	,,	Ditto . .	,,	Addition of a Rule to the above regarding the disposal of fines realized under the Rules.	[*Hyderabad Residency Orders*, dated 1st March, 1888, Part I, page 29.]
,,	,,	Ditto . .	,,	Addition to the above-mentioned rules.	No. 7, dated 14th July, 1870. [*Hyderabad Residency Orders*, dated July, 1879.]
,,	,,	Ditto . .	27, clauses 4 to 11.	Rules and Regulations passed under clauses 4 to 11 of section 27.	[*Hyderabad Residency Orders*, 5th August, 1869, page 310.]
,,	,,	Ditto . .	,,	Addition of certain words in Rule 49, Chapter III of the above.	No. 334, dated 24th March, 1874. [*Hyderabad Residency Orders*, 6th April, 1874, page 182.]
,,	,,	Ditto . . .	28	Conferring powers of District Magistrate, Court of Session and High Court for the purposes of this section.	*No. 133 I. J.*,† *dated the 24th June, 1881.*—In exercise of the powers conferred upon him by section 28 of Act III of 1880, the Governor Gene-

* These rules issued under Act XXII of 1864. *They are kept in force by section 2 of Act III of 1889, which has been extended to the Cantonment, see p. 188.

† This Notification was issued under Act III of 1880, as extended to the Cantonment by Notification No. 331 J., dated 27th January, 1881, which was subsequently cancelled by part 2 of Notification No. 701., dated 7th January, 1884, under which the Act was again extended to the Cantonment—*See* p. 188.

B.—British-Sikandarábád Enactments—continued.

2.—Local Rules and Notifications—

(a) made under Enactments of the British-Indian Legislatures locally extended—*contd.*

Year.	No.	Subject of Act.	Section.	Subject of Notification.	Notification.
1880	III —*contd.*	Cantonments.			ral in Council is pleased to invest the Cantonment Magistrate of Sikandarábád with the powers of a Magistrate of the District, the First Assistant Resident at Hyderabad with the powers of a Court of Session, and the Resident with the powers of a High Court, within the limits of the Sikandarábád Cantonment, for the purposes of the above section. [See *Gazette of India*, 25th June, 1881, Part I, page 253.]
	,,	Ditto . . .	,,	Conferring power to try breaches of Rules and Regulations.	*No. 136* I. J., dated the 24th June, 1881.*—In exercise of the powers conferred by section 28 of Act III of 1880, the Governor General in Council is pleased to invest the Assistant Cantonment Magistrate of Sikandarábád with power to try breaches of any Rules or Regulations made under section 25 of the said Act and applying to the said Cantonment. [See *Gazette of India*, 25th June, 1881, Part I, page 253.]
1882	X	Criminal Procedure	399	Confinement of juvenile offenders in the Poona Reformatory.	*No. 391, dated the 5th February, 1886.*—The Hon'ble the President in Council is pleased to direct that, for the purposes of section 399 of the Code of Criminal Procedure, 1882, as applied to the Cantonment of Sikandarábád by Foreign Department Notification No. 1496I.,† dated the 21st December, 1882, the Reformatory at Poona in the Presidency of Bombay shall be deemed to be a reformatory established for the con-

* This Notification was issued under Act III of 1880, as extended to the Cantonment by Notification No. 331.J., dated 27th January, 1881, which was subsequently cancelled by part 2 of Notification No. 70 I., dated 7th January, 1884, under which the Act was again extended to the Cantonment—*See* p. 189.

† For this Notification *See* p. 191.

B.—British-Sikandarábád Enactments—continued.

2.—Local Rules and Notifications—

(a) made under Enactments of the British-Indian Legislatures locally extended—*concld.*

Year.	No.	Subject of Act.	Section.	Subject of Notification.	Notification.
1882	X —*contd.*	Criminal Procedure			finement of persons under the age of sixteen years sentenced in the said Cantonment to imprisonment. [See *Gazette of India*, 6th February, 1886, Part I, page 62.]
„	XIV	Civil Procedure	...	Appointing the Assistant Magistrate, Sikandarábád, to exercise the powers mentioned in section 539 of the Code.	*No. 17, dated the 13th October, 1886.*—The Officiating Resident has been pleased to appoint the Cantonment Magistrate of Sikandarábád to exercise the powers mentioned in section 539 of the Code of Civil Procedure. [*Hyderabad Residency Orders*, 15th October, 1886, Part I, page 142.]
„	„	Ditto . . .	160	Scale of expenses for witnesses summoned to attend Civil Courts.	No. 235, dated 1st December 1887. [*Hyderabad Residency Orders*, 15th December, 1887, Part I, page 167.]
„	„	Ditto . . .	360	Declaring the Small Cause Court in its extended jurisdiction to be the District Court for the purposes of Chapter XX of the Code (Insolvent Debtors).	*No. 12, dated the 29th July, 1881.*—It is hereby notified, for general information, that the Small Cause Court, in its extended jurisdiction, is the District Court for the purposes of Chapter XX of the Civil Procedure Code ("of insolvent judgment-debtors") within the limits of the Cantonment of Sikandarábád. [See *Hyderabad Residency Orders*, 1st August, 1881, Part I, page 185.]

B.—British-Sikandarábád Enactments—concluded.

2.—Local Rules and Notifications—

(b) made under Special Local Laws.

Year.	Subject of Law.	Section.	Subject of Notification.	Notification.
1887	Sikandarábád Hackney Carriage Law, 1887.	3	Rules for the regulation and control of hackney carriages in the Cantonment.	*No. 11, dated the 15th June, 1888.*—The following Rules for the regulation of hackney carriages in the Cantonment of Sikandarábád, having been sanctioned by the Resident, are published for general information and guidance. (Then follow the Rules omitted here on account of their length.) [See *Hyderabad Residency Orders*, dated 15th June, 1888, Supplement, page 91.]
„	Ditto . .	„	Declaring that the above Rules shall come into force on the 14th September, 1888.	*No. 16, dated the 11th September, 1888.* [See *Hyderabad Residency Orders*, 15th September, 1888, Part I, page 145.]

APPENDIX A.

NOTIFICATION EXTENDING ACT III OF 1879 (DESTRUCTION OF RECORDS) TO THE CANTONMENT.

No. 229 I. J., dated the 15th August, 1879.—The Governor General in Council is pleased to extend Act III of 1879 (an Act to authorise the Destruction of Useless Records) to the Cantonment of Sikandarábád, subject to certain omissions and modifications which are requisite to adapt it to that Cantonment. III of 1879.

The Act, as adapted to the Cantonment of Sikandarábád, is as follows:—

Preamble.

WHEREAS it is expedient to provide for the destruction or other disposal of useless records, books and papers in Courts and Revenue offices; It is hereby enacted as follows:—

Short title. Commencement.

1. This Act may be called "The Destruction of Records Act, 1879": and it shall come into force at once.

Power to Resident, Hyderabad, to make rules for disposal of records, &c.

2. The Resident at Hyderabad may, from time to time, make rules respecting the disposal, by destruction or otherwise, of such records, books and papers belonging to or being in the custody of his Court, or the Courts of civil and criminal jurisdiction subordinate thereto, as he may consider useless or unworthy of being permanently preserved.

Similar power to Resident, Hyderabad, with respect to documents in Revenue Courts and offices.

3. The Resident at Hyderabad may, from time to time, make rules respecting the disposal, by destruction or otherwise, of such records, books and papers belonging to or in the custody of the Revenue Courts and offices, as he may consider useless or unworthy of being permanently preserved.

Rules when to have force of law.

4. All rules made under this Act shall, after being sanctioned by the Governor General in Council, be published in the local official Gazette, and shall thereupon have the force of law.

Validation of rules as to destruction of documents.

5. All rules and orders heretofore made by the Resident at Hyderabad for the destruction or other disposal of useless records, books and papers belonging to or in the custody of any Court or Revenue office shall be deemed to have had the force of law from the date on which they were made, and all such rules now in force shall continue to have the force of law until they are rescinded by rules made under this Act; and no suit or other proceedings shall be instituted, maintained or continued against any person for the disposal, by destruction or otherwise, of any records, books or papers in accordance with any such rules or with any order made by the Resident at Hyderabad.

Bar of suits.

Saving of documents kept under provisions of law.

6. Nothing herein contained shall be deemed to authorise the destruction of any document which, under the provisions of any law for the time being in force, is to be kept and maintained.

[See *Gazette of India*, 16th August, 1879, Part I, page 559.]

APPENDIX B.

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS.

Rules for regulating the reciprocal execution of civil decrees and the realization of State demands.

No. 26, dated the 19th December, 1884.—With the sanction of the Government of India,* and the concurrence of His Highness the Nizam's Government, the following rules are prescribed, in order to regulate the reciprocal execution of civil decrees passed by the City and Suburban Courts, the Cantonment Magistrate at Sikandarábád, and the Superintendent of the Hyderabad Residency Bazars, and the realization of the State demands of the British and His Highness the Nizam's Governments.

* Foreign Department letter No. 3053 I., dated 25th October, 1884.

I.—The Cantonment Magistrate at Sikandarábád and the Superintendent of the Hyderabad Residency Bazars are authorized by the Governor General in Council to execute and realize, against the property of any person residing in or possessing property within the local limits of their respective jurisdictions, civil decrees, original or appellate, passed by His Highness the Nizam's city and Suburban Courts, and State demands preferred by His Highness the Nizam's Government: Provided that the execution or realization of such decrees or State demands has been approved and directed by the Resident at Hyderabad.

II.—Should the decree or demand be executed or realized, its amount will be remitted, together with a certificate of execution or realization, through the Resident to the Nizam's Government. Should execution or realization be impossible, the decree or demand will be endorsed to that effect, and returned through the Resident to the Nizam's Government.

III.—Civil decrees passed by the Cantonment Magistrate, Sikandarábád, or by the Superintendent of the Hyderabad Residency Bazars, may be forwarded to His Highness the Nizam's Government through the Resident for execution within the jurisdiction of the city and Suburban Courts. The Resident may also forward to the Nizam's Government for realization State demands (of the British Government) which may arise within the Cantonment of Sikandarábád, or the Hyderabad Residency Bazars.

IV.—State demands to be realized for the Nizam's Government, or to be sent for realization by the Resident to the Nizam's Government, will be restricted to items of revenue, or other incomings connected with land-revenue, water-rates, ábkárí or customs, or debts due on contracts for the farm or collection of the same between individuals and the Government of the Nizam on the one hand, or the British Government on the other; or fines, or forfeitures, leviable from such contractors or their sureties.

V.—In effecting the executions and realizations referred to above, the Cantonment Magistrate at Sikandarábád and the Superintendent of the Residency Bazars will, as far as may be convenient, be guided by the provisions of the Code of Civil Procedure, or of the law or rules which obtain in the Bombay Presidency for the realization of State demands, as the case may be; they will refer doubtful points for the orders of the Resident, whose decision thereon shall be final.

XIV of 1882.

[See *Hyderabad Residency Orders*, 15th January, 1885, page 9.]

Rules for regulating the reciprocal surrender of Hyderabad subjects in the Cantonment of Sikandarábád and of persons in the Hyderabad State.

No. 27, dated the 20th December, 1884.—The following rules have been prescribed by the Government of India for the surrender of Hyderabad subjects accused of criminal offences, and present or living in the Cantonment of Sikandarábád, and also for making requisitions for the surrender by His Highness the Nizam's Government of persons accused of having committed a criminal offence within the Cantonment of Sikandarábád.

Rule 1.—The Resident at Hyderabad is authorised by the Governor General in Council to direct that any Native Indian subject of His Highness the Nizam may be arrested within the limits of the Cantonment of Sikandarábád and delivered over to an official of the Nizam: *provided that* the Resident shall issue no such order except in compliance with the conditions specified below, namely:—

[1] No such order shall be issued unless the Nizam's Government applies to the Resident, in writing, for the arrest and surrender of the person in question.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

***Rules for regulating the reciprocal surrender of Hyderabad subject in the Cantonment of Sikandarábád and of persons in the Hyderabad State*—continued.**

[3] Such application of the Nizam's Government shall furnish the Resident with information, written and duly authenticated, which he considers to be satisfactory on the following points :—

(*a*) that the person whose arrest and surrender are required is a Native Indian subject of the Nizam ;

(*b*) that such person is charged on reasonable grounds with having committed an offence (as defined in section 40 of the Indian Penal Code) within the territories adminis- XLV of 1860.
tered by the Nizam ;

(*c*) that such person is in the Cantonment of Sikandarábád.

[3] The Resident's order shall be in such form as the Resident may, from time to time, think fit : *provided that*—

(*a*) it shall be addressed to the Cantonment Magistrate at Sikandarábád ; and

(*b*) it shall name the official of the Nizam to whose custody the person to be arrested shall be surrendered.

[4] A certified copy of the order shall be furnished by the Resident to the Nizam's Government, and shall be presented by the official of His Highness therein named to the Cantonment Magistrate at Sikandarábád.

Rule II.—There shall be no appeal from an order passed by the Resident under the last preceding rule.

Rule III.—The Cantonment Magistrate at Sikandarábád is authorised by the Governor General in Council to execute, within the limits of the Cantonment of Sikandarábád, an order of arrest and surrender purporting to have been issued by the Resident in accordance with Rule I, *provided that* the official of the Nizam named in the order sent by the Resident to the Nizam's Government presents to the Cantonment Magistrate the certified copy thereof.

Rule IV.—If any person charged before the Cantonment Magistrate, or the Assistant Cantonment Magistrate, at Sikandarábád, with having committed an offence (as defined in section 40 of the Indian Penal Code) within the limits of the Sikandarábád Cantonment, is, or is believed to be, XLV of 1860.
within the territories administered by the Nizam, the Cantonment Magistrate may send to the Resident an application for the arrest and surrender of such person, and the Resident may forward the application to the Nizam's Government.

Rule V.—An application under the last preceding Rule may be made in such form as the Resident may, from time to time, think fit : *provided that* it shall furnish the Resident with satisfactory evidence on the following points :—

(*a*) that the person whose arrest and surrender are required is charged on reasonable grounds with having committed an offence (as defined in the Indian Penal Code) within the XLV of 1860.
Cantonment of Sikandarábád ; and

(*b*) that such person is in the territories administered by His Highness the Nizam.

Rule VI.—In the event of an application for arrest and surrender under the last preceding Rule being complied with by the Nizam's Government, the Cantonment Magistrate at Sikandarábád shall take measures to bring the person surrendered to trial, according to law, before his own Court or before the Court of the Assistant Cantonment Magistrate at Sikandarábád.

[See *Hyderabad Residency Orders*, 15th January, 1885, page 10.]

The Sikandarábád Hackney Carriage Law, 1887.

No. 4330 I., dated 30th September, 1887.—Whereas it is expedient to provide for the regulation and control of Hackney Carriages in the Cantonment of Sikandarábád, the Governor General in Council is pleased to make the following Law :—

Short title, local extent and commencement.

1. (*1*) This Law may be called the Sikandarábád Hackney Carriage Law, 1887.

(*2*) It extends to the Cantonment of Sikandarábád ; and

(*3*) It shall come into force at once.

Definition of Hackney Carriage.

2. In this Law "Hackney Carriage" means any wheeled vehicle drawn by animals, and used for the conveyance of passengers, which is kept, or offered, or plies, for hire.

APPENDIX B—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

The Sikandarabad Hackney Carriage Law, 1887—continued.

Power to Resident to make rules.

3. (*1*) The Resident at Hyderabad may, from time to time, make rules for the regulation and control of hackney carriages within the limits of the Cantonment of Sikandarábád.

(*2*) Every rule made under this section shall, when published by the Resident at Hyderabad for such time and in such manner as the Resident may from time to time prescribe, have the force of law:

Provided that the Governor General in Council may, at any time, rescind any such rule.

What rules may provide for.

4. The rules to be made under section 3 may, among other matters,—

(*a*) direct that no hackney carriage, or no hackney carriage of a particular description, shall be let to hire, or taken to ply, or offered for hire, except under a license granted in that behalf;

(*b*) direct that no person shall act as driver of a hackney carriage except under a license granted in that behalf;

(*c*) provide for the issue of the licenses referred to in clauses (*a*) and (*b*), prescribe the conditions (if any) on which such licenses shall be granted, and fix the fees (if any) to be paid therefor;

(*d*) regulate the description of animals, harness, and other things to be used with licensed carriages, and the condition in which such carriages, and the animals, harness and other things used therewith, shall be kept, and the lights (if any) to be carried after sunset and before sunrise;

(*e*) provide for the inspection of premises on which any such carriages, animals, harness and other things are kept;

(*f*) fix the time for which such licenses shall continue in force, and the events (if any) upon which within that time they shall be subject to revocation or suspension;

(*g*) provide for the numbering of such carriages;

(*h*) determine the times at which, and the circumstances in which, any person keeping a hackney carriage shall be bound to let or refuse to let the carriage to any person requiring the same;

(*i*) appoint places as stands for hackney carriages and prohibit such carriages waiting for hire except at such places;

(*j*) limit the rates or fares, as well for time as distance, which may be demanded for the hire of any hackney carriage; and prescribe the minimum speed at which such carriages when hired by time shall be driven;

(*k*) limit the number of persons, and the weight of property, which may be conveyed by any such carriage;

(*l*) require the owner or person in charge of any such carriage to keep a printed list of fares in English and such other language as may be prescribed affixed inside such carriage in such place as may be determined by the rules, and prohibit the destruction or defacement of such list;

(*m*) require drivers to wear a numbered badge or ticket, and to produce their licenses when required by a Magistrate or other person authorised by the rules in this behalf, and prohibit the transfer or lending of such licenses and badges; and

(*n*) provide for the deposit of property found in such carriage, and the payment of a fee by the owner of such property on the delivery thereof to him.

Penalty for breach of rules.

5. Any person breaking any rule made under this law shall be punished with fine which may extend to fifty rupees.

Disposal of fees and payment of expenses.

6. The amount of any fees received and the amount of any expenses incurred in giving effect to this Law shall be credited and debited respectively to the Sikandarábád Cantonment Fund.

Power of Magistrate to decide disputes regarding fares.

7. (*1*) If any dispute arises between the hirer of any hackney carriage and the owner or driver of such carriage as to the amount of the fare payable by such hirer under any rule made under this Law, such dispute shall, upon application made in that behalf by either of the disputing parties, be heard and determined by any Magistrate or Bench of Magistrates within the local limits of whose jurisdiction such dispute has arisen; and such Magistrate or Bench may, besides determining the amount so in dispute, direct that either party shall pay to the other such sum as compensation for loss of time as such Magistrate or Bench thinks fit.

APPENDIX B—*concluded.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*concluded.*

The Sikandarábád Hackney Carriage Law, 1887—concluded.

(2) Any sum determined to be due or directed to be paid under this section shall be recoverable as if it were a fine.

(3) The decision of any Magistrate or Bench in any case under this section shall be final.

(4) When any such case is heard by a Bench any difference of opinion arising between the members of such Bench shall be settled in the same manner as differences of opinion arising between such members in the trial of criminal cases.

In case of dispute, hirer may require driver to take him to Court.

8. (1) If at the time any dispute mentioned in section 7 arises any Magistrate or Bench of Magistrates having jurisdiction in respect of such dispute is sitting, the hirer of the carriage may require the driver thereof to take him in the same to the court of such Magistrate or Bench for the purpose of making an application under that section.

(2) Any driver neglecting or refusing to comply with such requisition shall be punished with imprisonment for a term which may extend to one month, or with fine not exceeding fifty rupees, or with both.

[See *Gazette of India* 1st October, 1887, Part I, pages 487-88.]

APPENDIX C.

MISCELLANEOUS NOTES.

Exemption from duty in British India of Bills of Exchange and Cheques drawn in the Cantonment of Sikandarábád.

NOTE 1.—For the Notification remitting in British India the stamp duty payable on bills of exchange and cheques drawn in the Cantonment of Sikandarábád—see *Gazette of India* for the 21st June, 1870, Part I, page 434.

NOTE 2.—The reciprocal execution of decrees between all the Civil Courts in the Nizam's Dominions subordinate to the Resident at Hyderabad has been arranged under directions issued by the Resident in 1871 and 1878.

CHAPTER III—*continued.*

CANTONMENTS—*continued.*

(2).—OTHER CANTONMENTS.

[The Cantonments occupied by the Hyderabad Contingent within the territories administered by His Highness the Nizam are, Aurungabad, Bolaram, Hingoli, Jalna, Mominabad and Raichore.

The Cantonments of Ellichpur and the Stations of Akola and Amraoti, also occupied by the Contingent, are within the Hyderabad Assigned Districts, for enactments in force in which see Chapter II.]

The British Enactments extending locally to these Cantonments consist of—

A.—British-Indian Enactments, namely—

1.—LOCAL RULES AND NOTIFICATIONS—

made under Acts extending generally to all Native States.

B.—British Enactments, namely—*

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL.

(a) Enactments of the British-Indian Legislatures locally extended.

(b) Special Local Laws.†

1.—LOCAL RULES AND NOTIFICATIONS—

made under Special Local Laws.

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* That is, British-Aurangabad, British-Bolaram, British-Hingoli, British-Jalna, British-Mominabad or British-Raichore Enactments, as the case may be.

† Some of the laws entered under this head are styled Rules, but they are all of the nature of principal rather than subsidiary enactments (See Preface).

PART II.—HYDERABAD—*contd.*—CHAPTER III.—CANTONMENTS.—*contd.*—2.—OTHER CANTONMENTS.

A.—British-Indian Enactments.*

1.—Local Notifications—

made under Acts extending generally to all Native States.

Year.	No.	Subject of Act.	Section.	Subject of Notification.	Notification.
1886	II	Income Tax	40	Authorizing the Cantonment Magistrate of Sikandarábád to exercise any and all of the powers of a Collector as defined in the Act, within the limits of the Bolaram Cantonment.	No. 25,* dated 20th May, 1886. [*Hyderabad Residency Orders*, 1st March, 1886, Part I, page 26.]

* In addition to the Notification here set out the Notification made under 28 & 29 Vict., Cap. 15, section 3, set out on page 18 and those under Acts XV of 1872, II of 1874, XXI of 1879 and II of 1886 set out on pages 19 to 21 of Chapter I of this Part also apply to these Cantonments, as being within the limits of the Nizam's Dominions.

B.—British Enactments.*

1.—Local Laws made by, or with the sanction of the Governor General in Council.

(a) Enactments of the British-Indian legislatures locally extended.

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
			(i).—Acts of the Governor General in Council.		
1869	V	Indian Articles of War.	Applicable to the Hyderabad Contingent only.	.....	Resident's Notification No. 109, dated 31st May, 1869.

* That is, British-Aurungabad, British-Bolaram, British-Hingoli, British-Jalna, British-Mominabad, or British-Raichore Enactments, as the case may be.

*B.—British** *Enactments*—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Special Local Laws.

When made.	Subject.	Notification.	Remarks.
1839	Hyderabad Contingent Bazaar Regulations.†	.....	*See* Appendix A, where these Regulations are set out.
1841	Arrest and imprisonment of debtors whose assets are found to be insufficient.	Resident's G. O. No. 142, dated 27th August, 1841.	Ditto.
1878	Directing the Superintendent of Bazars, Bolaram, to commit all cases which may come before him for trial and with which he is not competent adequately to deal, to the Cantonment Magistrate or First Assistant Resident respectively according as the case requires to be tried by a 1st Class Magistrate or Sessions Judge.	Hyderabad Contingent Order, dated 23rd April, 1878. * * * * * * 2. In the case of cantonment of Bolaram the Resident directs that the Superintendent of Bazars will commit all cases which may come before him for trial, and with which he is not competent adequately to deal, to the Cantonment Magistrate or First Assistant Resident respectively, according as the case requires, to be tried by a 1st Class Magistrate or Sessions Judge. NOTE.—The Superintendent of Bazars should be guided on these points by the provisions of the Indian Penal Code and Criminal Procedure Codes.	
1878	Regulations in respect of the Police establishment and their duties.	Order No. 20, dated 15th July, 1878, issued under the sanction of the Resident.	These Regulations are not considered of sufficient importance to be set out *in extenso.*
1879	Institution and Regulation of Field Bazaars.	Resident's G. O. in the Military Department, No. 242, dated 22nd November, 1879.	These rules are not considered of sufficient importance to be set out *in extenso.*
"	Declaring that claims up to any amount arising against non-military European-British subjects residing at the stations of the contingent who are not amenable to the Bazaar Regulations or to Courts of Requests under the Articles of War shall be disposed of by the	No. 149, dated 12th July, 1879. [*Hyderabad Residency Orders*, 15th July, 1879, page 295.]	The Rule published under this Notification has been incorporated in the Bazaar Regulations, *See* Appendix A, page 222.

* That is, British-Aurungabad, British-Bolaram, British-Ringoli, British-Jalna, British-Mominabad or British-Raichore enactments, as the case may be.

† These Regulations appear to have been issued about December 1839 with the consent of the Nizam.

*B.—British** *Enactments*—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*concluded.*

(*a*) Special Local Laws—*concluded.*

When made.	Subject.	Notification.	Remarks.
1879—*contd.*	Cantonment Magistrate of Sikandarábád in the case of the Cantonment of Bolaram and in other stations, except Ellichpur, by the Superintendent of Police up to the limits of their pecuniary jurisdiction.		
1881	Empowering the Cantonment Magistrate of Sikandarábád to try all offenders within the limits of the cantonments of Sikandarábád and Bolaram charged with a breach of the Opium Rules in force in the Nizam's Dominions.	Resident's G. O. No. 18, dated 17th September, 1881.	*See* Appendix A, where this order is set out *in extenso.*
"	Glanders and Farcy† Rules.	No. 266, dated 21st December, 1881. [*Hyderabad Residency Orders*, 2nd January, 1882, Part I, page 4.]	See Appendix A, where these Rules are set out *in extenso.*
1882	Amendment of section X of the Bazaar Regulations.	No. 65, dated 3rd April, 1882. [*Hyderabad Residency Orders*, dated 15th April, 1882, Part I, page 57.]	Ditto.
1888	Revised Regulations for the recruiting and enlistment of the Hyderabad Contingent.	No. 225, dated the 10th October, 1888. [See Hyderabad Residency Orders, 15th October, 1888, Part I, page 156, and Supplement, page 105.	These Regulations are not considered of sufficient importance to be set out *in extenso.*

* That is, British-Aurungabad, British-Bolaram, British-Hingoli, British-Jalna, British-Mominabad, or British-Raichore cantonments, as the case may be.

† These Rules purport to have been made under the Glanders and Farcy Act, XX of 1879, and although the Act has not been extended to these Cantonments, the rules were made for them under the sanction of the Government of India.

*B.—British** *Enactments*—continued.

2.—LOCAL RULES AND NOTIFICATIONS—

(a) made under Special Local Laws.

Year.	Subject of Law.	Section.	Subject of Notification.	Notification.
1839	Hyderabad Contingent Bazaar Regulations.	3 (2)	Additional Regulations.	No. 207, dated 15th July, 1876. [*Hyderabad Residency Orders*, 1st August, 1876, page 438.]
„	Ditto.	4	Rules for the formation of Cantonment Committees to administer Cantonment Funds in stations occupied by the Hyderabad Contingent.	No. 196, dated 20th August, 1888. [*See Hyderabad Residency Orders*, 1st September, 1888, supplement, page 95.]
„	Ditto.	„	Addendum to Rule 1 of the above Rules.	No. 210, dated the 14th September, 1888. [*See Hyderabad Residency Orders*, 15th September, 1888, Part I, page 147.

* That is, British-Aurungabad, British-Bolaram, British-Hingoli, British-Jalna, British-Mominabad, or British-Raichore adactments, as the case may be.

APPENDIX A.

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Bazaar Regulations of the Hyderabad Contingent Stations.

Regulations for the better order and discipline of Military Bazaars, the more effective administration of justice and of the Police at the stations where such bazaars are established, and the extension of the powers of Courts-Martial.

At military bazaar stations Police power vested in the Commanding Officers;

Section I.—Police authority and the maintenance of the peace shall be vested in the Officer Commanding at all stations, which shall be designated "Military Bazaar Stations" in General Orders, within such limits as may from time to time be fixed by order of the Resident.

And immediately in the Superintendent of Bazaars under him;

Section II.—The immediate charge of the police within the said limits under the orders of the Officer Commanding shall be vested in the Superintendent of the bazaar of the station, or in such other officer as may be specially appointed by the Resident (or by the officer Commanding the Division, subject to his confirmation), who shall have authority to take examinations upon oath, or under a solemn declaration. Previously to entering upon the discharge of his functions, he shall make a declaration, *vide* form given in Appendix A.

Who is to make a declaration.

Certain specified civil offences by native members of the army to be tried by courts-martial as directed in the Indian Articles of War for the Native Army.

Section III.—1st.—For abusive language, slight trespasses, inconsiderable assaults or affrays, using false weights or measures, breach of general orders or local regulations established by the Commanding Officer under the orders of the Resident for the maintenance of good order and discipline, simple theft, and also for buying and receiving stolen property knowing it at the time to have been stolen, all native non-commissioned officers or soldiers whatever, all natives receiving pay or being hired in the service, all military surveyors or draftsmen, all farriers, drummers and trumpeters, and all apothecaries, assistant apothecaries, dressers, and hospital assistants, are hereby made liable to trial by general courts-martial in the manner provided for in the Native Articles of War, and power is hereby vested in such courts to try all such persons so accused, and upon conviction to pass sentence of punishment as provided in the Articles of War.

The same offences by followers and residents within military limits to be tried either by courts-martial, or by the officer in charge of the Police.

**2nd.*—For all or any of the offences specified in the foregoing clause, all natives not therein specified, receiving public pay drawn by an officer in charge of a public department appertaining to the army, all artificers and labourers appertaining to the army or military arsenals, all servants of military officers, and all native subjects, of whatever description, residing within the limits of a military camp or cantonment, are hereby made liable to be tried, either by courts-martial, to be assembled as provided for in the preceding clause, or at stations where police authority and the maintenance of the peace has been specially vested in the Officer Commanding, then by the Superintendent of Bazaar, or other officer respectively, to try all such persons so accused, and upon conviction to pass sentence of punishment, in the former instance as provided in the Articles of War, and in the latter instance as provided in Section V.*

Embezzlement of money by servants to be tried in like manner.

**3rd.*—And in like manner all servants are hereby made liable to be tried in "Military Bazaar Stations" by the Superintendent of Bazaar or other officer in immediate charge of the Police for embezzling or otherwise wilfully misapplying money entrusted to them by their masters, and power is hereby vested in such Superintendent of Bazaar or other officer respectively to try all such persons so accused, and upon conviction to pass sentence of punishment as provided for in Section V.

Breach of Bazaar rules by military bazaar men to be tried by courts-martial, or by the Officer in charge of Police.

Section IV.—At military bazaar stations, all natives, of whatever description, residing within military limits, shall be subject to all regulations established by Commanding Officers under the orders of the Resident for the maintenance of good order and fair dealing in the bazaar, and for the prompt and efficient execution of such services as belong to their respective occupations, and for any breach thereof they are hereby made liable to be tried by the Superintendent of Bazaar, or other officer in immediate charge of the police under this regulation, and power is hereby vested in such Superintendent of bazaar to try the said accused and upon conviction to pass sentence of punishment as provided in Section V.

* *Sic* in original.

APPENDIX A—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Bazaar Regulations of the Hyderabad Contingent Stations—continued.

Section V.—The persons specified in Sections III and IV, if convicted of any of the offences therein specified, of simple theft, or of receiving stolen property knowing it at the time to have been stolen, and servants, if convicted of embezzlement or of wilful misapplication of money entrusted to them by their masters, shall be sentenced to imprisonment with or without hard labour not exceeding two months, or to stripes not exceeding 50, with a cat-o'-nine tails, or, in aggravated cases, both. If convicted of any other of the offences therein enumerated, such persons shall be sentenced to imprisonment not exceeding six weeks, or solitary confinement not exceeding one month, provided always that the persons (not belonging to the military classes specified in Section III, clause 1) above the condition of petty dealers, menial servants, or workmen, if found guilty of a breach of local or bazaar regulations established by the Commanding Officer under the orders of the Resident, shall be sentenced only to pay a fine, in no case exceeding one hundred rupees, and if the fine be not paid forthwith, to imprisonment not exceeding one month in lieu of it, provided always that the persons specified in 1st clause of Section III shall not be liable to corporal punishment.

Specifying certain petty offences, and extent of punishment for the same.

Section VI.—1st. Persons within the said jurisdiction charged with abusive language, slight trespasses, inconsiderable affrays or assaults, using false weights or measures, or breach of local regulations established by the Officer Commanding under the orders of the Resident, shall be only summoned in the first instance, and shall not be apprehended unless they refuse to obey the summons issued to them.

Persons accused of minor offences to be only summoned in the first instance.

2nd.—Officers, in immediate charge of the police under these regulations shall have authority to apprehend within their jurisdiction any vagrant or suspicious person without ostensible means of honest livelihood, or person of notoriously bad character, and authority is hereby vested in Commanding Officers to expel such persons from the cantonments.

Vagrants, &c., may be apprehended by the Officer in charge of Police.

3rd.—Every summons issued by the officer in immediate charge of police under this regulation shall contain a short statement of the cause for which attendance of the party summoned is required, and the name of the party at whose instance, or on whose accusation he is summoned; and shall require him to attend at a certain time and place.

Form of summons.

Section VII.—Officers in immediate charge of the police under this regulation shall have power to summon any person resident within military limits as a witness before themselves or before punchayets or courts-martial: Provided always that no woman shall be summoned whose rank or caste may render it improper to require her attendance. When the evidence of such a woman may be required, the officer in immediate charge of the police under these regulations shall require her to furnish her deposition, that she is prepared to swear or to take a solemn declaration to the truth of it if required.

Witnesses how to be summoned within military limits.

Section VIII.—Witnesses resident beyond military limits attending to give evidence before officers in immediate charge of police under these regulations, or before any court-martial whatever, shall be entitled to receive batta at the rate of not less than one or more than four annas per day. The rate to be fixed by the officer in immediate charge of the police under these regulations or by the court-martial, as the case may be, with reference to the rank and circumstances of each witness. The batta shall be paid daily or otherwise, as it may be applied for, and in all *civil* suits, the sum so paid shall invariably be recovered as the costs due from the parties. The party cast paying the same in the proportion which the sum decreed against him may bear to the sum sued for.

Batta to be paid to witnesses in certain cases.

Section IX.—1st. Any witness summoned by an officer in immediate charge of the police under these regulations who shall neglect or refuse to attend or to give his testimony, or to sign or mark his deposition if required, shall be liable to be fined by the said officer in immediate charge of the police or by the court-martial, as the case may be, in a sum not exceeding two hundred rupees; provided always that in the event of such circumstance occurring before a *punchayet* assembled under these regulations, a written communication thereof shall be made by them to the officer in immediate charge of the police. In addition to the payment of the fine the said witness when forthcoming may be committed to close custody until he shall consent to give his evidence, and, if required, to sign or mark his deposition.

Witness not attending or refusing to give evidence or to sign their deposition punishable by fine

And imprisonment.

2nd.—If the fine be not paid forthwith the amount thereof shall be levied by seizure and public sale of such goods of the offender as may be found within the military limits.

If the fine be not paid proceeding to be held.

APPENDIX A—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Bazaar Regulations of the Hyderabad Contingent Stations—continued.

Section X.—Actions for debt not exceeding R200 in amount wherein the defendant at the time the cause of action arose was a native commissioned officer or belonged to one of the military classes specified in the 1st Clause of the 3rd Section of these regulations, shall be cognizable by a Court of Requests, composed of not less than three native commissioned officers with a European commissioned officer to superintend and conduct their proceedings, and, when necessary, as interpreter, which court the Commanding Officer of any station is hereby authorized and empowered to convene, and before any proceedings are commenced the superintending officer will cause to be administered to the court the following oath:—

Actions for debt not exceeding R200 in amount wherein the defendant was a native commissioned officer or belonged to one of the military classes specified in Section III, Clause 1, to be tried before a military Court of Requests.

"*I . . do swear that I will duly administer justice according to the evidence that shall be brought before me.*"

The court is hereby authorized and empowered to take evidence on oath or solemn declaration, and it shall be competent for such courts upon finding any debt or damage due, to direct the amount of the same, if not paid forthwith, to be levied by seizure and public sale of such of the debtor's goods, saving his regimental appointments and necessaries, as may be found within the camp, garrison or cantonment, under a written order of the Commanding Officer grounded on the judgment of the court, and if sufficient goods shall not be found to answer the demand, then any money due to him from Government, or any sum not exceeding in the case of a native commissioned officer one-half, or in the case of a native non-commissioned officer or soldier one-fourth of his pay and allowances, shall be stopped in any one month in liquidation of the debt.

Section XI.—All suits for the recovery of any debt not exceeding R200 wherein the defendant, at the period the cause of action arose belonged to any of the classes specified in the 2nd Clause of Section III of these Regulations, shall be decided by the officer in immediate charge of the police, who is hereby authorized to investigate, decide, and determine all such suits.

All suits when the sum claimed does not exceed R200 to be tried by the officer in charge of police.

Section XII.—*1st.* The Superintendent of Bazaar or officer in charge of the police shall have authority to summon *punchayets* for the decision of suits for sums of money or other personal property without limitation of amount, provided the defendant is within his jurisdiction, also for the adjustment of disputes regarding caste, and for the division of family property.

Officer in charge of police may assemble *punchayets* to decide civil suits to an unlimited extent.

2nd.—Each party shall nominate two members of the *punchayet*, and the Superintendent of the Bazaar shall nominate the additional member.

3rd.—In cases where the Superintendent of Bazaar or other officer in immediate charge of police may deem it necessary, he shall have authority to assemble a *Circar punchayet*, that is all three members named by himself.

4th.—A *muchilka* shall be taken from both parties to abide by the award of the *punchayet*. This shall be signed by the Superintendent of Bazaar, and dated and filed in his office.

5th.—The Officer in charge of the bazaar on receiving from the parties a list of witnesses shall summon them and appoint a day for trial.

6th.—If the *punchayet* shall report to the Superintendent of the Bazaar that either of the parties have failed to attend either in person or by *vakil*, a fresh day for the trial shall be specified; in the case of the plaintiff's non-attendance the suit shall be dismissed, if the defendant, the *punchayet* shall give judgment by default.

7th.—If a *punchayet* shall report to the Superintendent of Bazaar or other officer in charge of the bazaar that a party or witness has been guilty of gross disrespect to them, he is hereby authorized to investigate the same, and on proof thereof to impose a fine not exceeding R20.

8th.—The Superintendent of Bazaar or other officer in charge of the police on receiving the award of a *punchayet* shall summon the parties before him, and having declared the decision, shall deliver to each party a copy, dating it and countersigning it himself.

9th.—If either party shall neglect or refuse to attend to receive a copy of the award, the Superintendent of Bazaar shall endorse on the copy the date of refusal or neglect, and attest it with his signature retaining it in his office to be afterwards delivered if called for.

10th.—The Superintendent of the Bazaar and *punchayets* in their decree shall not award interest above twelve per cent. per annum, even when more may have been stipulated, nor interest to an amount exceeding the principal, nor compound interest, except when a former bond has been

APPENDIX A—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Bazaar Regulations of the Hyderabad Contingent Stations—continued.

cancelled and a new one entered into for principal and interest consolidated, in which case they may decree interest on the amount of the new bond.

11th.—The decisions of *punchayets* shall not be carried into execution until 15 days after the date on which copies of it were delivered or tendered to the parties.

12th.—The countersignature of the Brigadier or Officer Commanding the Division shall be authority for the Superintendent of Bazaar to carry into execution the award of the *punchayet*.

13th.—A register to be kept in the office of every Superintendent of Bazaar entering all cases of debt, number of the case, date of complaint, plaintiff and defendant, names of witnesses examined for plaintiff and defendant; amount of debt and decision. The original petitions, copies of documents, and all papers bearing on the case to be filed with the proceedings of the *punchayet*, and the *sunnud* to be numbered and kept in the records of the office.

14th.—No appeal shall be allowed from the award of a *punchayet*, or decision passed by the Superintendent of Bazaars, as provided in Section XI, unless two witnesses on oath shall show that there is reasonable grounds for objecting to such award or decision, in which case an appeal shall lie to a court composed of three European commissioned officers, or to a *Circar punchayet*, at the option of the appellant. Such courts to be assembled by the Officer Commanding the station, whose award shall be final, and shall be carried into effect as provided in Clause 12 of this Section.

Section XIII.—On all claims registered for the decision of the Superintendent of Bazaars or *punchayet* under these regulations where the amount claimed exceeds Rs. 50, the plaintiff shall deposit two per cent. on the sum or value of property sued for, and the amount so deposited shall be recovered wholly or in part from the party cast, or apportioned between the parties, at the discretion of the Superintendent of Bazaars, or *punchayet*, respectively.

A fee of two per cent. to be paid on all sums above Rs. 50 to be recovered from the plaintiff or defendant or both, at the discretion of the Superintendent of Bazaar or *punchayet* respectively.

Section XIV.—No sentence or award exceeding a fine of Rs. 20, or imprisonment exceeding seven days or lashes exceeding 25 passed by the officer in charge of the police under this regulation shall be carried into execution without the confirmation in writing of the Officer Commanding.

Sentences passed by the Superintendent of Bazaars that required the confirmation of the Officer Commanding before execution.

Section XIV-a.—(R. G. O. No. 149, dated 12th July, 1870.) With the sanction of the Government of India, as accorded in the letter noted in the margin, the Resident is pleased to make the following provisions for the adjudication of claims arising against non-military European-British subjects residing in the stations of the Hyderabad Contingent who are not amenable in this respect to the Bazaar Regulations of the Hyderabad Contingent or to Courts of Requests under the Articles of War.

Foreign Department letter No. 169-I. J., dated 1st July 1870.

Adjudication of claims against non-military European-British subjects residing in the stations of the Hyderabad Contingent not amenable to these Regulations, or to courts of requests.

Note.—In the cantonment of Bolarum such claims of any amount will be heard and disposed of by the Secunderabad Small Cause Court in its original and extended jurisdiction, and in the other stations of the Hyderabad Contingent, except Ellichpur, the Superintendents of Police are hereby empowered to hear and dispose of claims of this nature up to Rs. 200, the amount of their present ordinary pecuniary jurisdiction.

Section XV.—The Superintendent of Bazaars will explain fully to all dealers in the bazaars that no assistance will be permitted in any money transaction connected with the people of the country, unless they can prove by the production of a written agreement that the advances to which they lay claim were made *bond fide* for the purchase of supplies for the use of the force, and that for the settlement of any other transactions they must have recourse to the local authorities of the country, without the interference of the Superintendent. In any affair in which the Resident's interference is required the original document must be submitted to show that the advance has been made exclusively for the purchase of supplies.

Interdicting bazaar dealers from money transactions with villagers except it be exclusively for the purchase of grains.

Section XVI.—Any native smuggling, or attempting to smuggle, spirituous liquors, or intoxicating drugs within the limits of any military station or cantonment, and any native, not being a vendor duly licensed, selling the same, or having in his possession within the said limits more than half a bottle of the said liquor or more than a quarter seer of the said drug without a permit, shall be liable to trial and punishment as provided for in Sections III and V of this Regulation,

Against smuggling spirits and drugs into cantonments, declaring unlicensed vendors punishable.

APPENDIX A—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Bazaar Regulations of the Hyderabad Contingent Stations—continued.

provided always that persons of the military classes so offending shall be liable to trial by court-martial only, as provided for in the 1st clause of Section III of this Regulation.

Cavalry regimental Bazaars under control of Cavalry Commandants.

Section XVII.—The Cavalry regimental bazaars will be under the general control of the Cavalry Commandants as heretofore; but all civil and criminal cases connected therewith will be referred to the Police Superintendent of the cantonments for enquiry and disposal under the general Bazaar Regulations of the Hyderabad Contingent.

(2). The Second in Command of a Cavalry Corps may be put in charge of a Cavalry Bazaar when the Commandant commands the station.

Prisoners liable to corporal punishment for misconduct.

Section XVIII.—Prisoners sentenced to imprisonment with hard labour shall be placed under the immediate control of the Superintendent of Police or other public Staff Officer, and shall be employed by him, under the authority of the officer commanding the station, on the public roads, or on any other public works.

1st.—Any prisoner so sentenced who shall be neglectful, or indolent, in the performance of any prescribed work, after previous admonition, or who shall contumaciously refuse to work, if not incapable of bodily labour from age, sickness, or infirmity, or who shall resist the guard, or peons over him in the regular discharge of their proper functions, or make use of abusive language to them, or who shall be guilty of any other disorderly conduct, such as riot, insurrection, or attempt at escape, taking off, loosening or attempting to loosen, by filing, cutting, or otherwise, his own irons, or those of other prisoners with a view to escape, or conspiring with other prisoners for the purpose of insurrection, or escape, or for any other criminal purpose, or who shall abuse or assault any other prisoners, shall on summary inquiry be liable to corporal punishment with a cat-o'nine tails, to the extent of 150 lashes, by order of the Superintendent of Police or other Staff Officer in charge of prisoners, provided that corporal punishment exceeding 50 lashes shall in no case be inflicted without the previous sanction of the officer in command of the station.

2nd.—It shall not be necessary to make a detailed record of the incidence, or of any part of the proceedings held in summary inquiries authorized by this Regulation, nor shall it be necessary to examine witnesses on oath. But a record shall be kept of every summary conviction and punishment, stating the name of the prisoner, the offence charged against him, the substance of the evidence and conviction, and the punishment ordered, and bearing the signature of the Superintendent of Police or other Staff Officer in charge of prisoners with the countersignature of the Officer Commanding the Station when the corporal punishment exceeds 50 lashes.

3rd.—The provisions of the above Regulation are to be considered applicable to prisoners who are transferred to the public jails to undergo the punishment of imprisonment without hard labour.

Debts of about 3 years' standing inadmissible except in special cases.

Section XIX.—It shall not be competent for Courts of Requests or *Punchayets* held under the provisions of this Regulation to admit any suit for debt, which has occurred upwards of three years, unless a direct rotmise to pay, made within three years of the commencemt of the writ, be proved.

Military Bazaar Stations.

Section XX.—With reference to General Orders No. 272 of 1839, and No. 131 of 1842, the following places are declared to be "Military Bazaar Stations":—

Aurangabad.		Hingoli.
Bolarum.		Mominabad.
Ellichpur.*		†Lingasugur and
	Jalna.	

APPENDIX FORM A.

Every officer appointed to the office of Superintendent of Police will, after having read the Bazaar Regulations, subscribe this declaration, which shall be filed with the records of his office:—

"I hereby declare that I have read the Bazaar Regulations prescribed for the guidance of the Superintendent of Police in the Hyderabad Contingent, and that I will abide by them."

Superintendent of Police.

* NOTE.—The Bazaars at Ellichpur are not now under Contingent Bazaar Regulations.
† This Station has been abandoned for Raichore.

APPENDIX A—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Arrest and Imprisonment of Debtors where assets are Insufficient.

General Orders by the Resident, No. 142, dated 27th August, 1861.—With reference to decisions passed by Superintendents of Police and *Punchayets*, under the provisions of the eleventh and twelfth sections of Bazaar Regulations, it is hereby notified that when sufficient funds should not be realized by the public sale of a debtor's goods to meet such decisions, it shall be competent to the officer commanding the station to direct that the debtor be arrested and kept in confinement in some convenient place within military limits for a period not exceeding three months, unless the debt be sooner paid, and his goods at any subsequent time shall be liable to be seized and sold in satisfaction of the debt.

Trials for breaches of the Opium Rules in force in the Nizam's Dominions.

No. 18, dated the 17th September, 1881.—At the request of His Highness the Nizam's Government, the Resident is pleased to invest the Cantonment Magistrate of Secunderabad with power to try all offenders within the limits of the Cantonments of Secunderabad and Bolarum charged with the* breaches of the Opium Rules in force in His Highness the Nizam's Dominions.

[See *Hyderabad Residency Orders*, dated 1st October, 1881, Part I, page 209.]

Glanders and Farcy Rules, 1881.

Extract from General Orders by the Resident at Hyderabad, in the Military Department, No. 266, dated Hyderabad Residency, the 21st December, 1881.

The following rules framed under the provisions of the Glanders and Farcy Act (XX of 1879) are, with the approval of the Government of India, published for information and guidance of officers concerned in the several stations of the Hyderabad Contingent, and will come into force from the 1st January, 1882

Preamble.—In these rules "horses" includes also ponies, asses, mules, and jennets. "Diseased" means affected with glander or farcy:—

I. Officers Commanding Station are empowered to cause to be seized any horse within cantonment limits which they have reason to believe, from personal knowledge, or from information given by any person, and taken down in writing, is diseased, and may, for this purpose, cause to be entered and searched any field, building, or other place in which they have reason to believe any such horse is to be found.

II. On any such seizure, the Officer Commanding shall, in communication with the Officer Commanding the Cavalry Regiment or Battery of Artillery in the cantonment, cause the horse seized to be at once examined by a Saloothris of either corps.

III. If the Saloothris declares that such horse is diseased, the Officer Commanding shall cause the same to be immediately destroyed: provided that if a Veterinary Surgeon be within reach and the owner of the horse be dissatisfied with the opinion of the Saloothris, such owner shall be at liberty at his own expense to have the horse at once re-examined by a Veterinary Surgeon, whose opinion as to the disease shall be final, and shall be acted on by the Officer Commanding; should the horse be declared not to be diseased, it shall be at once made over to the person entitled to possession thereof.

IV. When any diseased horse has been in any building, shed, &c., the Officer Commanding may direct such building, &c., to be disinfected and the fittings thereof destroyed, should he consider such to be necessary.

V. On failure or neglect of the owner or other person to carry out such direction, the Officer Commanding may direct the same to be carried out at the expense of such person, &c., and the cost thereof levied by the Superintendent of Police as if such were a fine.

VI. The owner or any person in charge of a diseased horse shall give immediate information thereof to the Officer Commanding, or the Superintendent of Police.

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* Sic.

APPENDIX A—*concluded.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*concluded.*

Glanders and Farcy Rules, 1881—concluded.

VII. No horse which has been in the same building or place, or in contact with a diseased horse, shall be moved, except *bond fide* for the purpose of preventing infection, or with the permission of the Officer Commanding.

VIII. None of the above rules apply to the registered chargers of officers, or to the horses or ponies of the regiments and batteries of the Hyderabad Contingent, which in case of disease will be dealt with under Regulations.

[*See Hyderabad Residency Orders*, 2nd January, 1882, Pt. I, p. 4.]

Amendment of Section 10 of the Bazaar Regulations.

No. 65, dated 3rd April, 1882.—The Resident is pleased to authorise the following amendment in Section X of the Hyderabad Contingent Bazaar Regulations to have effect from the 1st October, 1882:—

For the words "*of whatever amount*" which occur in the second line of the Section read "*not exceeding Rs. 200 in amount.*"

After the word "*arose*" which occurs in the fourth line, add "*was a Native Commissioned Officer or.*"

At the end of the section, for the words "*not exceeding the half of the pay of the debtor shall be stopped in liquidation of the debt,*" read "*not exceeding, in the case of a Native commissioned officer, one-half, or, in the case of a Native non-commissioned officer or soldier, one-fourth of his pay and allowances shall be stopped in any one month in liquidation of the debt.*"

[*See Hyderabad Residency Orders*, 15th April, 1882, Part 1, p. 57.]

APPENDIX B.

MISCELLANEOUS NOTES.

The reciprocal execution of decrees between all the Civil Courts in the Nizam's Dominions, subordinate to the Resident at Hyderabad, has been arranged under directions issued by the Resident in 1871 and 1878.

CHAPTER IV.

THE HYDERABAD RESIDENCY BAZAARS.

The British Enactments extending locally to the Hyderabad Residency Bazaars consist of—

A.—British-Indian Enactments, namely :—

1.—LOCAL RULES AND NOTIFICATIONS—
made under Acts extending generally to all Native States.

B.—British-Hyderabad-Residency-Bazaars Enactments, namely :—

1.—LOCAL LAWS* MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—
(a) Enactments of the British-Indian Legislatures locally extended.
(b) Acts of the Governor General in Council.
(b) Special Local Laws.*

2.—LOCAL RULES AND NOTIFICATIONS—
made under Enactments of the British-Indian Legislatures locally extended.

* Some of the laws entered under this head are styled Rules; but they are all of the nature of principal rather than subsidiary enactments (See Preface).

PART II.—HYDERABAD—*continued.*—CHAPTER IV.—THE HYDERABAD RESIDENCY BAZAARS.

A.—British-Indian Enactments.

1.—LOCAL NOTIFICATIONS*—

made under Acts extending generally to all Native States.

Year.	Number.	Subject of Act.	Section.	Subject of Notification.	Notification.
1886	II	Income Tax	40	Authorizing the Superintendent of the Hyderabad Residency Bazaars to exercise any and all the powers of a Collector as defined in the Act within the limits of the Hyderabad Residency Bazaars.	No. 24, dated the 20th February, 1886. [See *Hyderabad Residency Orders*, dated 1st March, 1886, Part I, page 26.]

* In addition to the Notifications here set out, the Notification under 28 & 29 Vict., c. 15, s. 2, at page 18 and the Notification under Acts at pages 19 to 21 of Chapter I of this Part (save the Notification No. 1639 I., dated 22nd May, 1886, under Act XXI of 1879) extend also to the Residency Bazaars as being part of the Nizam's Dominions.

B.—British-Hyderabad-Residency-Bazaars Enactments.

1.—Local Laws made by, or with the sanction of, the Governor General in Council.

(a) Enactments of the British-Indian Legislatures locally extended.

Year.	Number.	Subject.	Extent of application.	Modifications	Notification.
			(*i*).—*Acts of the Governor General in Council.*		
1865	X	Succession	The whole	.....	*No. 143, dated the 11th June, 1869.*—His Excellency the Viceroy and Governor in Council is pleased to declare the provisions of Act X of 1865 (The Indian Succession Act) to be applicable to† * * * * * and to the Bazaars of the Hyderabad Residency. * * * *‡ [See *Gazette of India*, 12th June, 1869, Part I, page 19.]
1879	I	Stamp	The whole, so far as it may be applicable.	*For* the words "Local Government," "British India" and "High Court," wherever they occur, *read* the words "Resident," "Residency Bazaars" and "the Resident," respectively.	*No. 8, dated 12th August, 1879.*—It is hereby notified that, with the concurrence of His Highness the Nizam's Government, the provisions of Act I of 1879, the Stamp Act, are, so far as may be applicable, extended to the Residency Bazaars, and will, subject to the modifications noted below, come into force from and after the 1st October next, in substitution of the provisions of the Stamp Act, XVIII of 1869, which now regulate the levy of stamp duty within Residency limits : [Here follow the modifications referred to above, for which see preceding column.] * * * *§ [See *Hyderabad Residency Orders*, 15th August, 1879, page 340.] [See *Hyderabad Residency Orders*, dated 15th August, 1869, page 340.]

† Relates to the application of the Act to the Cantonment of Sikandarábád. *See* now Notification No. 213J., dated 24th October, 1873, at p. 182 in Chapter III of this Part, by which the Act was applied to the Cantonment in supersession of all previous Notifications.

‡ The second paragraph of this Notification here omitted relates to the exemption of Native Christians from the operation of the Act. It is set out *in extenso* on page 232.

§ For this part of this Notification here omitted see list 1 (b) on the next page.

B.—British-Hyderabad-Residency-Bazaars Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*continued.*

(b) Special Local Laws.

When made.	Subject.	Notification.	Remarks.
1876	Constituting the Court of the First Assistant Resident as Appellate Court in Civil and Criminal* matters from the decisions of the Superintendent† of the Residency Bazaars and providing for special (or second) appeals to Resident.	No. 168, dated 15th February, 1876.	This Notification is set out in Appendix A.
1877	Constituting a Court of Small Causes in the Residency Bazars for the trial of suits of a value not exceeding Rs. 250 of a Small Cause Court nature.	No. 25, dated 9th March, 1877.	Ditto.
1879	Registration Rules in force in the Bazars.	*Hyderabad Residency Orders*, 15th March, 1879, page 123.	Ditto.
"	Exempting from stamp-duty all bills of exchange and cheques drawn in British India and negotiated in the bazaars and exempting in the bazaars all bills of exchange, cheques, promissory notes and receipts from such duty.	No. 8, dated the 12th August, 1879 * * * * * * * ‡ Bills of exchange and cheques which may be drawn in British India and on account of which the full rate of stamp-duty may have been paid there, shall be exempted from further payment of stamp-duty on being negotiated in the Residency Bazaars. All bills of exchange, cheques, promissory notes and receipts shall be exempt from stamp-duty in the Residency Bazaars. [See *Hyderabad Residency Orders*, 15th August, 1879, page 340.]	
1883	Rules regulating legal practitioners in the Court of the Resident at Hyderabad and in the Courts subordinate thereto and their amendments.	Government of India letter No. 886I., dated 23rd February, 1883.	These rules are set out in Appendix B to Chapter II of this Part, page 118.

* In so far as this Notification relates to criminal matters, it has been superseded by Notification No. 1637I., dated the 23rd May, 1885—*See* next page.

† The procedure of the Court of the Superintendent, Residency Bazaars, is in practice strictly in accord with the spirit and provisions of Act VIII of 1859—*See* now Act XIV of 1882.

‡ The first part of this Notification here omitted will be found set out in list 1 (a) on the preceding page.

B.—British-Hyderabad-Residency-Bazaars Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*concluded.*

(5) Special Local Laws—*concluded.*

When made.	Subject.	Notifications.	Remarks.
1884	Rules regulating the reciprocal execution of decrees passed by the (Nizam's) Civil and Suburban Courts and the Superintendent, Hyderabad-Residency-Bazaars, and for the realisation of State demands of the British and His Highness the Nizam's Governments.	No. 26, dated 19th December, 1884.	These Rules are set out in the Appendix A attached to Chapter III of this Part, page 206.
1885	Conferring powers of District Magistrate, Court of Session and High Court under the Criminal Procedure Code on the Superintendent, Hyderabad Residency Bazaars, the First Assistant to the Resident at Hyderabad and the Resident at Hyderabad for the time being, respectively, in respect of all proceedings, against persons other than European-British subjects and persons jointly charged with European-British subjects, in the Hyderabad Residency Bazaars and validating exercise of criminal powers by the officers mentioned in this Notification.	No. 1637I., dated 22nd May, 1885.	This Notification is set out in Appendix A.

B.—British-Hyderabad-Residency-Bazaars Enactments—concluded.

2.—LOCAL NOTIFICATIONS—

made under Enactments of the British-Indian Legislatures locally extended.

Year.	Number.	Subject of Act.	Section.	Subject of Notification.	Notification.
1865	X	Succession . .	332	Exempting Native Christians of all denominations from the operation of the Act.	*No. 143, dated the 11th June, 1869.*— * * * * † By virtue of the authority vested in him by section 332 of the above-mentioned Act, (*i.e., the Succession Act*), His Excellency in Council is pleased to exempt from the operation of the Act Native Christians, of all denominations whatever, residing in the aforesaid jurisdiction (*i.e., the bazaars of the Hyderabad Residency*). [See *Gazette of India*, 12th June, 1869, Part I, page 19.]

† Relates to the application of the Act to the Residency Bazaars, see p. 229.

APPENDIX A.

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS.

Establishment of Civil Courts.

No. 168, dated the 15th February, 1876.—From and after this date all appeals against the decisions and orders of—

(1) The Cantonment Magistrate of Secunderabad,
(2) The Superintendent, Residency Bazaars,* and
(3) The Judicial† Superintendent of Railways in Hyderabad in their magisterial capacity; and of—
(1) The Cantonment Magistrate of Secunderabad in his extended civil jurisdiction; and
(2) The Superintendent, Residency Bazaars; and
(3) The Judicial Superintendent of Railways in Hyderabad, in the Civil Courts over which they preside,

will lay to the Court of the First Assistant to the Resident, who is hereby empowered to hear and deal with the same.

2. The time for such appeals will be that prescribed in clauses 151 and 152, second division, second schedule, of Act IX of 1871 (The Indian Limitation Act).

3. No special appeals against the orders of the Court of the First Assistant will lay to the Resident‡ as a matter of right, but every case of such appeal will be dealt with on its merits.

[SEE *Hyderabad Residency Orders*, 21st February, 1876, p. 92.]

Establishment of a Small Cause Court.

No. 25, dated the 9th March, 1877.—By virtue of the authority vested in him by the Government of His Highness the Nizam, and with the concurrence of the said Government, the Resident is hereby pleased to constitute a Court of Small Causes in the Residency Bazars for the trial of suits of value not exceeding ₹250 of a small cause nature, as described in section 6 of §Act XI of 1865, provided that the defendant at the time of commencement of the suit in such court shall dwell or personally work for gain or carry on business within the local limits of the said Residency Bazaars, so that the cause of action arose within the said local limits, and the defendant at the time of the commencement of the suit shall, by his servant, or agent, carry on business or work for gain within those limits.

2. The Procedure of the Court will (so far as the case is applicable) be in accordance with that laid down in the said Act XI of 1865, and will be subject to such rules as have already been, or may hereafter be, framed under the provisions of that Act.

3. The Superintendent of the Residency Bazars will be the Judge of the Residency Small Cause Court established under this order, which latter will have effect from the 1st April, 1877.

[SEE *Hyderabad Residency Orders*, 15th March, 1877, p. 149.]

Hyderabad Residency Bazaars Registration Rules, 1879.

In supersession of the Registration Rules published in June 1868, and again notified in April 1875, the Resident directs that the following Rules shall come in force in the Residency Bazaars from and after the 1st day of January, 1879.

1. The Superintendent, Residency Bazaars, will be the *ex-officio* Registrar for the purpose of registration of documents in the Residency Bazaars, and will be guided in the duties of the said office by the spirit of Act III of 1877, the Indian Registration Act, and by these Rules.

2. Section 17 of the Act describes documents the registration of which is compulsory, and section 18 those the registration of which is optional. These sections are given in full in the Appendix.

3. Every document presented for registration which is not duly stamped as provided in the Stamp Act, the provisions of which are in force under special rules in the Residency Bazaars, will be impounded, and its registration suspended till the insufficiency of the stamp has been duly inquired into, and disposed of, by proper authority. No document that is engrossed contrary to the rules in force on plain or insufficiently stamped paper shall be registered.

* The Superintendent, Residency Bazaars, exercises the powers of a Court of original jurisdiction for all ordinary civil suits.

† There is now no longer a Judicial Superintendent of Railways; the Railway Magistrate recently appointed has apparently taken his place.—*See* Appendix A to Chapter V, p. 246.

‡ The Resident also exercises the revisional powers ordinarily exercised by a High Court over subordinate civil tribunals.

§ Repealed in British India by Act IX of 1887.

APPENDIX A—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Hyderabad-Residency Bazaars, Registration Rules, 1879—continued.

4. The Superintendent, Residency Bazaars, will register only such documents as are executed within the limits of the said bazaars, and appertain to property moveable or immoveable existing within those limits.

5. Every document submitted for registry, the registration of which may be compulsory or optional, shall be presented for registration by the person executing or claiming under the same, or in the case of a copy of a decree or order, claiming under the decree or order, or by the representative or assign of such person, or by his duly constituted agent.

6. The registering officer shall satisfy himself, by examination of witnesses if need be, or otherwise, that the persons presenting before him a document for registration are the persons they represent to be, and shall exercise such powers in the matter of examination of parties and witnesses either in person or by commission and for enforcing their attendance as are vested in him under the provisions of the Civil Procedure Code.

7. No document other than a will shall be accepted for registration unless presented for that purpose within four months from the date of its execution, or in the case of a copy of a decree or order within four months from the day on which the decree or order was made, or where it is appealable, within four months from the day on which it becomes final. If owing to urgent necessity or unavoidable accident, the period above prescribed be exceeded in presenting a document for registration, the Superintendent, in cases where the delay in presentation does not exceed four months, will, on payment by the party concerned of a fine not exceeding 10 times the amount of the proper registration fee, accept the document for registration.

8. All non-testamentary documents duly registered and relating to any property whatever, moveable or immoveable, shall take effect against any oral agreement or declaration regarding such property, unless when the agreement has been accompanied or followed by delivery or possession.

9. No document the registration of which is compulsory shall be admitted as evidence unless it has been duly registered. A registered document shall take effect as regards the property or transaction named therein against any unregistered document regarding the same property or transaction.

10. Urdu, English, or Telugu is declared to be the language of the district, and when a document is not drawn up in any of these languages, it shall not be admitted for registration unless it is accompanied by a correct translation of it in any of the above languages. The registration office will be open every day from 11 to 2, excepting on Sundays and other holidays.

11. The Superintendent, Residency Bazaars, will keep the Register Books and Indexes mentioned in Part XI of the Act, and shall be guided by the procedure therein laid down so far as it is applicable.

12. Appeals from orders of the Superintendent, Residency Bazaars, in his capacity of the *ex-officio* Registrar, where such appeals are allowed, shall lie to the Civil Appellate Court, which will supervise his procedure in this respect in general, and to which will be submitted the periodical statements, &c., by the Superintendent, Residency Bazaars, as required by the Act.

13. Documents other than wills remaining unclaimed for a period exceeding two years will be destroyed.

14. Under Section 78 of the Act, fees for registration shall be charged as follows:—

1.—For registration of Deed of Gift, Sale, Mortgage, Lease, Bond, &c.,* according to the following *ad valorem* scale:—

		Rs.	Rs. A. P.
When the value or consideration does not exceed		50 ...	0 4 0
" exceeds	50 but does not exceed	100 ...	0 8 0
" "	100 " "	200 ...	1 0 0
" "	200 " "	300 ...	1 8 0
" "	300 " "	400 ...	2 0 0
" "	400 " "	600 ...	3 0 0
" "	600 " "	1,000 ...	4 0 0
" "	1,000 " "	1,500 ...	5 0 0
" "	1,500 " "	2,000 ...	6 0 0
" "	2,000 " "	3,000 ...	8 0 0
" "	3,000 " "	4,000 ...	10 0 0
" "	4,000 " "	5,000 ...	12 0 0
" "	5,000 " "	7,500 ...	14 0 0
" "	7,500 " "	10,000 ...	16 0 0
" "	10,000 " "	15,000 ...	18 0 0
" "	15,000 " "	20,000 ...	20 0 0

* To be understood to include Awards Acknowledgments, Agreements, Bills of Exchange, Bills of Sale, Composition Deeds, Contracts, Certified Copies of Decrees and Orders of Courts, Covenants, Grants, Instruments of Partition, Promissory Notes, Releases, Settlements, Articles of Partnership, and Instruments of Dissolution of Partnership.

APPENDIX A—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Hyderabad-Residency Bazaars, Registration Rules, 1879—continued.

	Rs. A. P.	
For every R1,000 or part thereof in excess of Rs. 20,000, up to and not exceeding Rs. 50,000	1 0 0	
For every R1,000 or part thereof in excess of Rs. 50,000, up to and not exceeding R1,00,000	0 8 0	
For every R1,000 or part thereof in excess of R1,00,000	0 4 0	

NOTE (*a*).—In the case of leases, one whole year's rent, in addition to any fine or premium, is to be taken as the value or consideration.

NOTE (*b*).—In the case of leases where the rent is paid partly in money and partly in kind, and where the approximate value of the latter is not shown, an additional fee shall be levied equal in amount to the ordinary *ad valorem* fee leviable on the rent to be paid in money.

NOTE (*c*).—In the case of annuity bonds the whole amount of annuity payable in a year is to be taken as the value or consideration.

NOTE (*d*).—If no consideration, rent, or other value is expressed in the deed — Rs 0 0

NOTE (*e*).—If the value or consideration be only partly expressed, an *ad valorem* fee as above on the value or consideration so expressed, and in addition an extra fee of — R2 0 0

NOTE (*f*).—For registration of a separate deed acknowledging receipt or payment of consideration on account of another deed which is also registered. — The same fee as for the original deed if not exceeding R2, otherwise R2.

Wills and Authorities to Adopt.

	Rs. A. P.	
II.—For deposit of a sealed cover containing a will	2 0 0	Besides the expense of copying the contents according to the scale laid down in the table for granting of certified copies.
(*a*).—For opening such cover	2 0 0	
(*b*).—For withdrawal of such cover	2 0 0	
III.—For registration of a will when presented open, or an authority to adopt	2 0 0	Do.
IV.—For the registration of any power of attorney, writing of divorcement, certificate of heirship, guardianship, administratorship, or executorship, or any document which cannot be brought under the *ad valorem* scale	2 0 0	
V.—For attestation of a power of attorney, if special	1 0 0	
VI.—For attestation of a power of attorney, if general	2 0 0	

Extra or Additional Fees.

	Rs. A. P.	
VII.—*For registration of any documents by a Registrar	4 0 0	In addition to the ordinary fee.
VIII.—For the custody of a document which has remained unclaimed for one month from the date on which it was endorsed "Registered" or "Registration refused." For each month, or portion of a month, after the first month, during which it is unclaimed	1 0 0	

Visits and Commission.

	Rs. A. P.	
X.—†For attendance at a private residence for acceptance for registration or deposit under section 31 or for the examination of any person under section 38	10 0 0 (Besides an extra registration fee equal to the ordinary registration fee.)	In addition to the ordinary fee and necessary travelling expenses, to be calculated according to the distance travelled on the usual scale prescribed for travelling allowance for public servants.

* When the registration of any document properly registerable by a Sub-Registrar is performed by a Registrar, owing to the former being a party to the transaction represented by such document, the extra fee will not be charged.

† When an attendance takes place under both sections 31 and 38 at the same time and place, if the registration of but one document is concerned, only one attendance fee and one extra registration fee will be levied. If a registering officer, where the registration of one document is concerned, attends on the presenter on one occasion, and the executant or another necessary witness on another occasion, two attendance fees and two extra registration fees will be levied. If a registering officer attends at private residence or jail, and one person presents several documents, or one person admits the execution of several documents at one and the same time and place, only one attendance fee will be levied; but an extra registration fee will be levied in the case of each document. Where several different persons at one and the same time and place present for registration, or admit execution of several different documents, the registering officer will levy an attendance fee for each distinct transaction, the extra registration fee being payable on all such documents.

APPENDIX A—*continued.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Hyderabad-Residency Bazaars, Registration Rules—continued.

	Rs.	A.	P.
X.—For attendance under section 33, or the issue of a Commission under section 33 or 38—			
(a.)—If the person is physically unable to attend the office or is confined in jail	5	0	0
(b.)—Otherwise	10	0	0
XI.—*Searching for* entry by registering officer, or allowing applicants to inspect books or indices, for every year of which the register or index is searched or inspected .	1	0	0
XII.—For granting copy of a camp (provided that the arrangements for, and the cost of making such copy must be made and borne by the person who applies for it) . . .	0	8	0
XIII.—Copying fee, besides the ordinary registration fee for each folio of 100 words	0	2	6
XIV.—For filing translation (section 62)	2	0	0
XV.—Peon's fee for every summons	0	6	0
XVI.—Fee for serving warrant of seizure of person . . .	1	0	0

Appendix.

PART III.

Of Registrable Documents.

17. The documents next hereinafter mentioned shall be registered, if the property to which they relate is situate in a district in which, and if they have been executed on or after the date on which, Act No. XVI of 1864, or Act No. XX of 1866, or Act No. VIII of 1871, or this Act came or comes into force (that is to say) :—

Documents of which registration is compulsory.

(*a.*) Instruments of gift of immoveable property.

(*b.*) Other non-testamentary instruments which purport or operate to create, declare, assign, limit, or extinguish, whether in present or in future, any right, title, or interest, whether vested or contingent, of the value of Rs.100 and upwards, to or in immoveable property.

(*c.*) Non-testamentary instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation, or extinction of any such right, title, or interest; and

(*d.*) Leases of immoveable property from year to year or for any term exceeding one year, or reserving a yearly rent: provided that the Local Government may, by order published in the Official Gazette, exempt from the operation of the former part of this section any leases executed in any district or part of a district, the terms granted by which do not exceed five years, and the annual rents reserved by which do not exceed Rs50.

Exception of composition-deeds;

Nothing in clauses (*b*) and (*c*) of this Section applies to—

(*e.*) Any composition deed,

(*f.*) Any instrument relating to shares in a joint stock company, notwithstanding that the assets of such company consist in whole or in part of immoveable property; or

and of transfers of shares and debentures in legal companies.

(*g.*) Any undorsement upon or transfer of any debenture issued by any such company.

(*h.*) Any document not itself creating, declaring, assigning, limiting, or extinguishing any right, title, or interest, of value of Rs. 100 and upwards, to or in immoveable property, but merely creating a right to obtain another document which will, when executed, create, declare, assign, limit or extinguish any such right, title or interest.

Document merely creating right to obtain other documents.

(*i.*) Decrees and orders of courts and awards.

(*j.*) Grants of immoveable property by Government.

(*k.*) Instruments of partition made by revenue officers.

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* If in an application to the registering officer for the copy of an entry the name of the claiming and executing parties, the nature of the document, and date of registration be shown, the fee for search will not be levied.

NOTE.—Government officers who may require to inspect or search the registers or take copies of entries for *bond fide* public purposes are exempted from the payment of fees.

APPENDIX A—*concluded.*

CERTAIN SPECIAL LOCAL LAWS REFERRED TO IN LISTS—*continued.*

Hyderabad-Residency Bazaars, Registration Rules, 1879—concluded.

(*l.*) Certificates and instruments of collateral security granted under the Land Improvement Act, 1871. Authorities to adopt a son, executed after the first day of January, 1872, and not conferred by a will, shall also be registered.

Authorities to adopt.

Documents of which registration is optional.

18. Any of the documents next hereinafter mentioned may be registered under this Act (that is to say):—

(*a.*) Instruments (other than instruments of gift and wills) which purport or operate to create, declare, assign, limit, or extinguish, whether in present or in future, any right, title, or interest, whether vested or contingent, of a value less than R100, to or in immoveable property.

(*b.*) Instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation, or extinction of any such right, title, or interest.

(*c.*) Leases of immoveable property for any term not exceeding one year, and leases exempted under section 17.

(*d.*) Instruments (other than wills) which purport or operate to create, declare, assign, limit, or extinguish any right, title, or interest to or in moveable property.

(*e.*) Wills.

(*f.*) All other documents not required by section 17 to be registered.

[See *Hyderabad Residency Orders*, 15th March, 1879, p. 123.]

Establishment of Criminal Courts.

No. 1637 I., dated 22nd May, 1885.—In exercise of the powers conferred by sections 4 and 5 of Act XXI, 1879 (The Foreign Jurisdiction and Extradition Act, 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct as follows:—

1. The Superintendent of the Hyderabad Residency Bazaars for the time being shall exercise within the limits of the Hyderabad Residency Bazaars the powers of a District Magistrate as described in the Code of Criminal Procedure. X of 1882.

2. The First Assistant to the Resident at Hyderabad for the time being shall exercise, within the limits of the Hyderabad Residency Bazaars, the powers of a Court of Session as described in the Code of Criminal Procedure.

3. The Resident at Hyderabad for the time being shall exercise within the limits of the Hydera- X of 1882. bad Residency Bazaars the powers of a High Court as described in the Code of Criminal Procedure X of 1882.

4. This Notification applies to all proceedings except proceedings against European-British subjects or persons jointly charged with European-British subjects.

5. All criminal powers which may, before the date of this Notification, have been exercised by the officers referred to herein within the limits specified, shall be deemed to have been exercised in accordance with law.

6. As much of the Notification of the Government of India in the Foreign Department, No. 29, Judicial, dated the 18th February, 1869, as applies to the Hyderabad Residency Bazaars, is hereby cancelled.

[See *Gazette of India*, 23rd May, 1885, Part I, page 304.]

APPENDIX B.

MISCELLANEOUS NOTES.

The reciprocal execution of decrees between all the Civil Courts in the Nizam's Dominions subordinate to the Resident at Hyderabad has been arranged under directions issued by the Resident in 1871 and 1878.

CHAPTER V.

RAILWAYS.

[His Highness the Nizam has granted the British Government full jurisdiction over the lands in his territory which now are, or may hereafter be, occupied by the following Railways namely :—

1. Nizam's Guaranteed State Railway.*
2. Great Indian Peninsula Railway.
3. Madras Railway.†
4. Southern Maratha Railway (South Deccan Section).]

The British Enactments extending locally to Railways in Hyderabad territory consist of :—

A.—British-Indian Enactments, namely :—

1.—Local Rules and Notifications—

(a) made under Statutes extending generally to all Native States.

(b) made under Acts extending generally to all Native States.

B.—British-Hyderabad-Railways Enactments, namely :—

1.—Local Laws made by, or with the sanction of, the Governor General in Council—

(a) Enactments of the British-Indian Legislatures locally extended.

(*i*) Acts of the Governor General in Council.

(b) Special Local Laws.

2.—Local Rules and Notifications—

made under Enactments of the British-Indian Legislatures locally extended.

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* For Agreement between the British Government and the Nizam in respect of the construction of this Railway—*See* Aitchison's Treaties, Vol. V, Part III, pages 225 to 229.

† A portion of this Railway also passes through the Mysore State, as to which see the volume relating to the Madras States and Mysore.

A.—British-Indian Enactments.

1.—Local Rules and Notifications—

(a) made under Statutes extending generally to all Native States.

(b) made under Acts extending generally to all Native States.

[See the Notifications set out in chapter I of this part, at pages 18 to 21, all of which (save Notification No. 1639I., dated 22nd May, 1885, under Act XXI of 1879) extend to the lands occupied by these railways, as being part of the Nizam's Dominions.]

B.—British-Hyderabad-Railways Enactments.

1.—Local Laws made by, or with the sanction of, the Governor General in Council.

(a) Enactments of the British-Indian Legislatures locally extended.

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
			(i).—*Acts of the Governor General in Council.*		
1860	XXVII	Collection of Debts	The whole Act, so far as it is applicable.	As amended for the time being by subsequent Enactments.	No. 1144-I., dated 22nd March, 1888. [*See* Appendix A, where the Notification is set out *in extenso.*]
"	XLV	Indian Penal Code.	Ditto	Ditto	No. 1143-I.J., dated 22nd March, 1888. [*See* Appendix A, where the Notification is set out *in extenso.*]
1861	V	Police	Ditto	Ditto	Ditto.
1864	VI	Whipping	Ditto	Ditto	Ditto.
1865	X	Succession	Ditto	Ditto	No. 1144 I.-J., dated 22nd March, 1888. [*See* Appendix A, where the Notification is set out *in extenso.*]
1866	XIV	Post Office	Ditto	Ditto	Ditto.
1870	VII	Court Fees	Ditto	Ditto	Ditto.
1871	I	Cattle Trespass	Ditto	Ditto	No. 1143 I.-J., dated 22nd March, 1888. [*See* Appendix A, where the Notification is set out *in extenso.*]
1872	I	Evidence	Ditto	Ditto	No. 1144 I.-J., dated 22nd March, 1888. [*See* Appendix A, where the Notification is set out *in extenso.*]
"	IX	Contract	Ditto	Ditto	Ditto.
1877	III	Registration	Ditto	Ditto	Ditto.
"	XV	Limitation	Ditto	Ditto	No. 1144-I., dated 22nd March, 1888. [*See* Appendix A, where the Notification is set out *in extenso.*]
1879	I	Stamp	Ditto	Ditto	Ditto.

B.—British-Hyderabad-Railways Enactments—continued.

I.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*contd.*

(a) Enactments of the British-Indian Legislatures locally extended—*concluded.*

Year.	No.	Subject.	Extent of application.	Modifications.	Notification.
		(i).—Acts of the Governor General in Council—*concluded.*			
1879	IV	Railways . .	The whole Act, so far as it is applicable.	As amended for the time being by subsequent enactments.	No. 1145-I., dated 22nd March, 1888. [*See* Appendix A, where the Notification is set out *in extenso.*]
1881	V	Probate and Administration.	Ditto .	Ditto .	No. 1144-I., dated 22nd March, 1888. [*See* Appendix A, where the Notification is set out *in extenso.*]
1882	X	Criminal Procedure Code.	Ditto .	Ditto, and subject also to certain specific modifications, for which see Part I (2) of the Notification in Appendix A.	No. 1143-I., dated 22nd March, 1888. [*See* Appendix A, where the Notification is set out *in extenso.*]
"	XIV	Civil Procedure Code.	Ditto .	As amended for the time being by subsequent Enactments.	No. 1144-I., dated 22nd March, 1888. [*See* Appendix A, where the Notification is set out *in extenso.*]
1885	XIII	Telegraphs . .	Ditto .	Ditto . .	Ditto.
1887	IX	Provincial Small Cause Courts.	Ditto .	Ditto . .	Ditto.

B.—British-Hyderabad Railway Enactments—continued.

1.—Local Laws made by, or with the sanction of, the Governor General in Council—*contd.*

(b) Special Local Laws.

Year.	Subject.	Notification.	Remarks.
1883	Rules regulating Legal Practitioners in the Court of the Resident at Hyderabad and in the Courts subordinate thereto and their amendments.	Government of India letter No. 386-J., dated 23rd February, 1883.	These Rules are set out in Appendix A to Chapter II of this part, page 118.
1888	Appointing the Second Assistant to the Resident to be Railway Magistrate, with the powers of a District Magistrate; appointing a Superintendent of Railway Police with the powers of a District Superintendent of Police as described in Act V of 1861 and the ordinary powers of a Magistrate of the second class; investing the Inspector General of Police, Hyderabad Assigned Districts, and the Resident at Hyderabad, respectively with the powers of an Inspector General of Police and a Local Government as described in Act V of 1861 and the First Assistant Resident and the Resident with the powers of a Court of Session and a High Court respectively in respect of offences over which magisterial jurisdiction is exercised by the Railway Magistrate or the Superintendent of Railway Police; and excepting proceedings against European-British Subjects or persons jointly charged with them and those pending at the date of the Notification.	No. 1143I., dated 22nd March, 1888.	See Appendix A, where this Notification is set out *in extenso*.
,,	Establishing a Court of Small Causes for suits not exceeding Rs. 500 in value and appointing the Se-	No. 1144, dated 22nd March, 1888.	See Appendix A, where this Notification is set out *in extenso*.

B.—British-Hyderabad Railway Enactments—continued.

1.—LOCAL LAWS MADE BY, OR WITH THE SANCTION OF, THE GOVERNOR GENERAL IN COUNCIL—*concld.*

(b) Special Local Laws—*concluded.*

Year.	Subject.	Notification.	Remarks.
1888—*contd.*	cond Assistant Resident to be the Judge of the Court; establishing a District Court and appointing the Second Assistant Resident to be the District Judge: and appointing the First Assistant Resident and the Resident to be an Appellate and a High Court respectively.		

B.—British-Hyderabad-Railway Enactments—concluded.

2.— LOCAL RULES AND NOTIFICATIONS—

made under Enactments of the British-Indian Legislatures locally extended.

Year.	No.	Subject of Act.	Section.	Subject of Notification.	Notification.
1879	IV	Railways . .	4	Sanctioning the use of locomotive engines, carriages and waggons on these Railways.	No. 1145-I, dated 22nd March, 1888. See Appendix A, where this Notification is set out *in extenso*.
„	„	Ditto . . .	53	Declaring the Resident at Hyderabad to be the *Local Government for the purposes of the Act.	Ditto.

* For similar Notifications relating to Railways in Berar and in the Cantonment of Sikandarabad—*See* pages 85 and 202 respectively.

APPENDIX A.

CERTAIN NOTIFICATIONS REFERRED TO IN LISTS.

Notification extending Acts and arranging for criminal jurisdiction.

No. 1143-1., dated 22nd March, 1888.—Whereas His Highness the Nizam of Hyderabad has granted to the British Government full jurisdiction within the lands in his territory which are occupied, or may be hereafter occupied, by His Highness the Nizam's Guaranteed State Railways Company, by the Great Indian Peninsula Railway, by the Madras Railway, and by the Southern Maratha Railway, respectively (including the lands occupied as stations, out-buildings and for other railway purposes): In exercise of this jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders.

PART I.

(1) The provisions, so far as they may be applicable, and as amended for the time being by subsequent enactments, of the Acts mentioned below, are hereby extended to the aforesaid lands, namely:—

Act XLV of 1860 (the Indian Penal Code);
Act V of 1861 (for the regulation of Police);
Act VI of 1864 (the Whipping Act);
Act I of 1871 (the Cattle Trespass Act);
Act X of 1882 (the Code of Criminal Procedure);

(2) The Code of Criminal Procedure shall be subject in its application to the aforesaid lands to the following modifications, namely:—

(*a*) that trials before the Court of Session may, in the discretion of the Judge, be without Jury or aid of assessors; and

(*b*) that notwithstanding anything in the Code of Criminal Procedure (Act X of 1882) or the Police Act (V of 1861) or in any other enactment for the time being in force, the Governor General in Council may confer on any Police officer all or any of the powers conferred or conferable by, or under, the Code on any Magistrate, in regard to particular cases or to a particular class or particular classes of cases or to cases generally.

PART II.

For the purposes of the exercise of criminal jurisdiction within the aforesaid lands, the Governor General in Council is pleased to make the following arrangements:—

(1) There shall be a Railway Magistrate, who shall be the second Assistant to the Resident at Hyderabad.

(2) The Railway Magistrate shall have the powers of a District Magistrate, as described in the Code of Criminal Procedure.

(3) There shall be a Superintendent of Railway Police, who shall be such person as the Governor General in Council may from time to time appoint in that behalf.

(4) The Superintendent of Railway Police shall have the powers of a District Superintendent of Police as described in Act V of 1861, and the ordinary powers of a Magistrate of the second class as described in the Code of Criminal Procedure.

(5) The Inspector General of Police in the Hyderabad Assigned Districts and the Resident at Hyderabad shall have, respectively, the powers of an Inspector General of Police and of a Local Government, as described in Act V of 1861.

(6) The First Assistant to the Resident at Hyderabad shall have the powers of a Court of Session, as described in the Code of Criminal Procedure, in respect of all offences over which magisterial jurisdiction is exercised by the Railway Magistrate or the Superintendent of Railway Police.

(7) The Resident at Hyderabad shall have the powers of a High Court, as described in the Code of Criminal Procedure, in respect of all offences over which the jurisdiction of a Court of Session is exercised by the First Assistant to the Resident, and for all purposes whatsoever connected with the administration of criminal justice.

(8) This part of this Notification applies to all proceedings except—

(*a*) proceedings against European-British subjects or persons jointly charged with European-British subjects; and

APPENDIX A—*continued.*

CERTAIN NOTIFICATIONS REFERRED TO IN LISTS—*continued.*

Notification extending Acts and arranging for criminal jurisdiction—concluded.

(*b*) proceedings pending at the date of this Notification, which should be carried on as if this Notification had not been issued.

[See *Gazette of India*, 24th March, 1888, Part I, page 135.]

Notification extending Acts and arranging for civil jurisdiction.

No. 1144-I., dated 22nd March, 1888.—Whereas His Highness the Nizam of Hyderabad has granted to the British Government full jurisdiction within the lands in his territory which are occupied, or may be hereafter occupied, by the Nizam's Guaranteed State Railways Company, by the Great Indian Peninsula Railway, by the Madras Railway, and by the Southern Mahratta Railway, respectively (including the lands occupied as stations, out-buildings and for other railway purposes): In exercise of this jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf; the Governor General in Council is pleased to issue the following orders:—

PART I.

The provisions, so far as they may be applicable, and as amended for the time being by subsequent enactments, of the Acts mentioned below are hereby extended to the aforesaid lands, namely:—

Act XXVII of 1860 (for facilitating the collection of debts on successions and for the security of parties paying debts to the representatives of deceased persons);
Act X of 1865 (the Indian Succession Act, 1865);
Act XIV of 1866 (the Indian Post Office Act, 1866);
Act VII of 1870 (the Court Fees Act);
Act I of 1872 (the Indian Evidence Act, 1872);
Act IX of 1872 (the Indian Contract Act, 1872);
Act III of 1877 (the Indian Registration Act);
Act XV of 1877 (Indian Limitation Act);
Act I of 1879 (the Indian Stamp Act);
Act V of 1881 (the Probate and Administration Act, 1881);
Act XIV of 1882 (the Code of Civil Procedure);
Act XIII of 1885 (the Indian Telegraph Act, 1885);
Act IX of 1887 (the Provincial Small Cause Courts Act, 1887).

PART II.

For the purposes of the exercise of civil jurisdiction within the aforesaid lands the Governor General in Council is pleased to make the following arrangements:—

(1) There shall be a Court of Small Causes with jurisdiction in all suits cognizable under Act IX of 1887, when the amount or value of the subject-matter does not exceed five hundred rupees.

(2) The Second Assistant to the Resident at Hyderabad shall be the Judge of the Court of Small Causes.

(3) There shall be a District Court having the powers of a District Court as defined in section 2 of the Code of Civil Procedure, and with jurisdiction in all original suits, whatever be the amount or value of the subject-matter and in all other cases in which jurisdiction is conferred on the District Court by the law for the time being in force in the aforesaid lands.

(4) The Second Assistant to the Resident at Hyderabad shall be the Judge of the District Court.

(5) Appeals shall lie, subject to the provisions of the enactments for the time being in force in the aforesaid lands, against the decrees and orders of the District Court to the First Assistant to the Resident at Hyderabad, who shall exercise the powers of an Appellate Court as defined in the Code of Civil Procedure.

APPENDIX A—*concluded.*

CERTAIN NOTIFICATIONS REFERRED TO IN LISTS—*concluded.*

Notification extending Acts and arranging for civil jurisdiction.

(6) Subject to the provisions of the said enactments, a second appeal against the decrees and orders of the First Assistant shall lie to the Resident at Hyderabad, who shall exercise the powers of a High Court for all purposes whatsoever connected with the administration of civil justice within the aforesaid lands.

[See *Gazette of India*, 24th March, 1888, Part I, page 135.]

Notification extending the Railway Act, IV of 1879.

No. 1145-I.—Whereas His Highness the Nizam of Hyderabad has granted to the British Government full jurisdiction over the lands in his territory which are occupied or may be hereafter occupied by the railways comprised in the undertaking of the Nizam's Guaranteed State Railways Company, by the Great Indian Peninsula Railway, by the Madras Railway and by the Southern Maratha Railway respectively (including the lands occupied as stations, out-buildings and for other railway purposes). In exercise of this jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders:—

(1) The provisions, so far as they may be applicable and as amended for the time being by subsequent enactments, of the Indian Railway Act (IV of 1879) are hereby extended to the aforesaid lands.

(2) In exercise of the power conferred by section 4 of the said Indian Railway Act, the Governor General in Council is pleased to sanction the use of locomotive engines or other motive power, and carriages and waggons to be drawn or propelled thereby, on the aforesaid lands.

(3) In exercise of the power conferred by section 53 of the said Indian Railway Act, the Governor General in Council is pleased to declare that the Resident at Hyderabad shall be deemed to be, for the purposes of the said Act, the Local Government in respect of the aforesaid lands.

[See *Gazette of India*, 24th March, 1888, Part I, page 135.]

APPENDIX B.

Miscellaneous Notes.

The reciprocal execution of decrees between all the Civil Courts in the Nizam's Dominions subordinate to the Resident has been arranged under directions issued by the Resident in 1871 and 1878.

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